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(ICSNS XXXXVI-2026)

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Prof. Alexander Franco
Dr. Marietta Poshi

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Protecting the Weaker Party: Jurisdiction in Consumer, Employment and Insurance Contracts under the Brussels I Regulation

Assoc. Prof. Ilir Rusi
University of Tirana Albania
https://orcid.org/0009-0009-6354-0358

Abstract

Focusing on the procedural protection of weaker parties in contractual relations, this paper examines the jurisdictional regime of consumer, employment, and insurance contracts within the framework of the Brussels I Regulation (Regulation No. 44/2001) and its reform through the Brussels I Regulation (Recast) - Regulation No. 1215/2012.
The study emphasizes that the jurisdictional restrictions in these types of contracts are based on the premise that the consumer, employee, and insurance beneficiary is in a weaker economic and legal position than the other contracting party, such as the trader, employer, or insurer. In this context the regulation establishes a special jurisdictional regime with the goal of facilitating access to justice for these categories by establishing more favorable jurisdictional, grounds when the weaker party acts as a plaintiff and limiting the possibility of suing it only in its place of residence when it is in the position of the defendant. The ability to deviate from these standards through jurisdiction agreements, is likewise severely limited in order to prevent contractual exploitation by the stronger party.
The study also discusses the changes brought about by the modification of the legislation, particularly the extending of the geographical applicability of some jurisdictional provisions to third-country defendants. This reform aims to improve procedural protection and legal certainty but it has also sparked debate in the doctrine about, the relationship between regulatory rules and the jurisdiction provided for by Member States' national laws. The examination also looks at the specific basis of jurisdiction such as where the employee usually works, as well as the system's constraints in circumstances, of complicated cross-border ties. In conclusion, the study argues that, while the Brussels regime is a significant, step toward procedural protection for weaker parties numerous interpretive ambiguities and structural limits continue to be debated in legal practice and theory.

Keywords: International jurisdiction, Consumer contracts, Individual employment contracts, Insurance contracts, Weaker party protection, etc.

1. Introduction

1.1. Jurisdiction over Consumer, Employment, and Insurance Contracts under the Brussels I Regulation

This section aims to present the changes introduced by the Brussels I Regulation for weaker parties by establishing a protective regime. Although these changes are not as well-developed as in other areas, they nevertheless remain significant. These changes improve the procedural protection of weaker parties; however, several dilemmas still arise in relation to the jurisdictional regime. Parties considered weaker from a socio-economic perspective in a contractual relationship must be provided with adequate protection not only in substantive law but also in procedural law. It should also be noted that, although not exclusively, jurisdiction agreements should contain provisions that are more favorable to these parties. Their interests should be primary

in comparison with the general interest.
The Brussels I Regulation contains three specific sections designed to establish a jurisdictional regime: Section 3 concerning insurance contracts (policyholder and insurer), Section 5 of Chapter II concerning individual employment contracts, and Section 4 concerning certain categories of consumer contracts (2012, 2012). The system of protection presented in these sections of the Brussels I Regulation is based on the idea that these parties are in a weaker position compared to the other parties to the contract, taking into account, first of all, their purchasing power, their level of knowledge, and their access to legal advice and information.
These parties should not be discouraged from bringing or defending a claim in a Member State other than the one in which the other party is established. Pursuing a claim in a foreign jurisdiction is rarely a realistic option for the weaker party, due to the higher costs and risks involved, the loss of time caused by travel, unfamiliarity with foreign courts and laws, as well as with the language of the proceedings. Consequently, the right of access to justice would remain guaranteed only at a theoretical level and would be ineffective in practice. The same logic applies when the weaker party is sued in a foreign jurisdiction. Defending a claim in a foreign jurisdiction is usually unrealistic for a consumer, employee, or insured person.
The legal framework for the protection of consumers and insured parties was regulated in the 1968 Brussels Convention. However, individual employment contracts were ignored in this Convention and were instead subject to the general rules governing contractual obligations. Some steps toward better protection of employees were taken in the case law of the Court of Justice of the European Union and later through the 1989 amendments to the Brussels Convention. The protection of employees was further expanded in Council Regulation (EC) No 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters, which further developed the system in force. On 10 January 2015, the recast of the Brussels Regulation—Regulation (EU) No 1215/2012—entered into force, marking the implementation of the long-awaited reform of the Brussels regime ((recast), 2012).
Some of the changes introduced during this reform also affected the protective jurisdictional regime for weaker parties. The special regime of protective jurisdiction consists of three main elements:
Additional and favorable jurisdictional bases are available to the weaker party when acting as the claimant, such as the place of the claimant's domicile in disputes concerning consumers and insurance, or the place where the employee habitually carries out their work in individual employment disputes.
A limitation providing that the weaker party, when in the position of the defendant, may be sued only in the courts of their domicile.
The possibility for the parties to enter into a jurisdiction agreement departing from the aforementioned regime is significantly restricted. (Baumgartner, 2003. 231 pages. Unrevised ebook edition 2025.)

1.2. Extension of the Territorial Scope: Defendants from Third Countries

As a rule, the Council Regulation (EC) No 44/2001 (Brussels I Regulation) was applicable only if the defendant was domiciled in a Member State of the European

Union. If an action was brought against a defendant from a third country, the court determined international jurisdiction on the basis of the national law of that state. This principle remains in force even after the recast.
However, this is no longer the case with regard to jurisdiction over consumer contracts and individual employment contracts. Employees and consumers may rely on the protection provided by the Regulation (EU) No 1215/2012 (Brussels I Recast) in disputes with traders and employers from third countries. This additional protection applies only when consumers and employees act as claimants. Conversely, if consumers and employees from third countries are in the position of defendants, their situation will not be governed by the Brussels regime.
A trader or an employee from a Member State of the European Union may rely on national law against an employee or consumer from third countries. The extension of the applicability of the Brussels I regime to defendants from third countries may produce harmful effects for the weaker party. For example, some national laws provide rules that are even more favorable for claims concerning international jurisdiction. This concern, which is not very common in consumer disputes, is more prevalent in relationships between employers and employees (Peter Mankoësi).
Here, the protective jurisdictional rules in the Brussels I Regulation do not go so far as to establish an actor forum. Rather, the place where the employee habitually carries out their work is precisely the place where the action may be brought. In most cases, this place will correspond to the employee's place of domicile, although not necessarily. Moreover, unlike in consumer cases, most national laws of the Member States of the European Union contain traditional protective rules regarding employment contracts. Often, these rules are significantly more favorable than those established in the Regulation (EU) No 1215/2012 (Brussels I Recast).
Article 2(2) of the Brussels I Recast may be interpreted as an elimination or replacement of national law, according to which, when an employee's place of work is not in the EU and there is no employment relationship within the EU, the employee cannot invoke the jurisdiction of any court in the EU against an employer domiciled in the EU ((recast), Regulation (EU) No 1215/2012, 2012).
Some authors argue that Articles 18(1) and 2(2) of the Brussels I Regulation merely establish additional grounds of jurisdiction against defendants from third countries, without excluding the possibility for employees to rely on broader jurisdictional bases provided under national law ((recast), Regulation (EU) No 1215/2012, 2012). The opposing view maintains that national rules do not apply when the matter falls within the scope of Articles 18(1) and 2(2). Some authors also believe that the wording in Articles 17 and 20, stating that the jurisdictional rules in the chapters concerning consumers and employees apply "without prejudice to Article 6," leaves no doubt that national jurisdiction rules may still be relied upon, as provided for in Article 6 ((recast), Regulation (EU) No 1215/2012, 2012).
The references to Articles 6, 17, and 20 of the Brussels I Regulation still imply that these provisions remain applicable to consumer disputes and employment disputes. However, the problem lies in a limitation concerning the applicability of Article 6. Article 6(1) provides as follows: *If the defendant is not domiciled in a Member State of the EU, the jurisdiction of the courts of each Member State shall be determined by the law of*

that Member State. ((recast), Regulation (EU) No 1215/2012, 2012) Articles 18 and 21 contain jurisdictional rules for disputes against traders and employers based in the EU.

Thus, the decisive question concerns the relationship, in light of the wording "subject to," ((recast), Regulation (EU) No 1215/2012, 2012) between Article 6 on the one hand and Articles 18 and 21 on the other. It may represent an exception to the general rule that a defendant who is not domiciled in the EU may be sued under national jurisdiction rules. However, it may also be interpreted as merely providing an additional possibility for bringing a claim. In any case, a grammatical interpretation primarily requires a construction of the term "subject to" ((recast), Regulation (EU) No 1215/2012, 2012) in Articles 18(1) and 21(2) in relation to Article 6(1), rather than focusing solely on the phrase "without prejudice to" ((recast), Regulation (EU) No 1215/2012, 2012) in Articles 17 and 20. For an answer regarding this interpretation, reference must be made to the legislative history.

One of the fundamental changes in the first Draft Proposal of the Commission for the Brussels I Regulation was the extension of all jurisdiction rules to defendants domiciled in third countries. This controversial plan was rejected by the majority of Member States, and it was agreed to extend only some of the existing rules. The parties agreed that this would constitute a compromise solution. The document of the Danish Presidency of the EU, adopted in January 2012 (at the time when the aforementioned compromise was being negotiated), discussed four options. Besides full harmonization (Miriam Pohl, 2013) (Florian Scholz, 2014) (Eva Lein eds.2015 Bruksel, 2010) and the maintenance of the status quo, two possible compromise solutions were mentioned. One of these was the so-called "minimal harmonization," which would extend the jurisdiction rules of the Brussels I Regulation to disputes involving defendants in third countries, while at the same time allowing national rules to continue providing access to national courts.

Another alternative (which, as stated in the document, had not yet been addressed in the negotiations) could have been to extend the jurisdiction rules to specific types of disputes involving defendants from third countries (partial harmonization). If these were the only options available, it was clear that "partial harmonization" was ultimately adopted. In a document adopted on 18 October 2012, the Committee on Legal Affairs of the European Parliament rejected the Commission's proposal for full harmonization and declared:

"The rules included in the Regulation introduce only a partial reflexive effect for disputes in the field of employment, consumer contracts and insurance, in order to protect the weaker parties in those situations." (Pohl, 2013) (Domej, 2014) .

The solution finally adopted has no connection with a reflexive effect. Nevertheless, this document provides an insight into what was a highly debated issue at that time—namely, whether in "external relations" the EU's protective rules for weaker parties should also protect employees and consumers not domiciled in the EU. This idea of a reflexive effect was deliberately rejected in the end. Therefore, it is possible that the inclusion of the reference to Article 6 in Articles 18 and 20 was intended to prevent the reflexive effect of the Regulation in favor of employees and consumers who are not domiciled in the EU.

The debate in the European Parliament regarding the adoption of the proposed text did not address this issue directly; however, the extension of the applicability of certain jurisdictional rules to defendants from third countries was discussed. Moreover, a press release from the Council of the EU stated that "no national jurisdiction rules may be applied in relation to consumers and workers who are not domiciled in the EU." This perhaps provides a summary of how Brussels I was understood at that time. The text of Recital 14 does not provide a clear answer in this regard. However, one would reasonably expect that if such an important change in the Regulation had indeed been adopted, it would at least have been mentioned in the recital or expressed in clearer terms. Nevertheless, the question remains as to what constitutes the most objectively sound interpretation. By extending the territorial scope, the Brussels I Recast (as confirmed in Recital 14) aimed to improve the procedural protection of employees and consumers (European Parliament, 2012).

It would not be consistent with this objective if employees who do not work in a Member State were unable to rely on the more favorable bases under their national law against employers from third countries. However, it would be inequitable if vulnerable categories were placed at a disadvantage compared with all other categories, which would no longer be able to invoke the broader jurisdictional bases provided under national law against defendants not domiciled in the EU. Since there is no provision for "emergency jurisdiction" in the Brussels I Regulation, in extreme cases this could lead to a denial of justice for employees domiciled in the EU, due to the unavailability of any court in the EU and no guarantee that a third country would accept jurisdiction (or be able to ensure effective access to a court). Therefore, the objective purpose of the provision, when it comes to employment disputes, is still to support national jurisdiction. Article 18 establishes the EU with a broad, uniform rule that is also applicable to employers domiciled outside the EU (European Parliament, Regulation (EU) No. 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (recast)., 2012) .

However, the reference to Article 6 is identical to Article 20 of Regulation 1215/2012, so it also applies to consumer disputes. Nevertheless, regarding consumers, the actions differ (European Parliament &. C., 2012). The forum actors under Article 18 ensure that a consumer domiciled in the EU is able to sue "at home." In this context, there is no need to preserve the possibility for the consumer to seek broader jurisdiction in any Member State (Dickinson, 2015) (Mankowski, 2012) (Campuzano Díaz).

Thus, the purpose of the provision, when it comes to consumers, supports the interpretation that national jurisdiction rules can no longer be invoked in disputes against traders from third countries. Furthermore, the purpose of extending the applicability of the Brussels I regime to defendants from third countries was not simply to protect the weaker party, but also to ensure legal certainty, as well as predictability and transparency in the jurisdictional framework, placing claimants domiciled in the EU on an equal footing in terms of access to courts. These two aspects speak against the interpretation that national jurisdiction applies.

In conclusion, the question of whether national jurisdiction rules continue to apply to

claims brought by consumers and employees domiciled in the EU remains debatable and requires a reference to the CJEU for a preliminary ruling. The legislative history suggests that during the negotiations (under increasing time pressure and in search of a political compromise) for the unity established by the jurisdiction rules across the EU in Articles 18 and 21, the potentially problematic nature of the newly introduced system, in certain circumstances that could deprive employees of protection, was simply set aside ((2012)., 2012).

2.1. Bases for Determining Jurisdiction

The bases for determining jurisdiction in disputes relating to employment, consumer matters, and insurance contracts, as set out in Sections 3–5 of the Brussels Regulation, are exhaustive. In such disputes, it is not possible to invoke jurisdictional bases provided in other chapters of the Regulation, unless expressly stated otherwise. The only exception was foreseen for the applicability of Articles 5 and 17 after the recast, which provide for jurisdiction in the place where the branch, agency, or other establishment is located (European Parliament &. C., Regulation (EU) No. 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (recast)., 2012). This proved to be particularly problematic in employment relationships, where employees were not allowed to invoke jurisdiction over co-defendants under Article 6 of the Brussels Regulation when they wished to bring joint proceedings against two employers (European Parliament &. C., Regulation (EU) No. 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (recast)., 2012) .

This issue is becoming increasingly important in cases of employment within a multinational group or in cross-border agency employment. The CJEU confirmed this limitation. In doing so, it acknowledged that this could be a deficiency in the Brussels I Regulation system. Nevertheless, priority must be given to an interpretation based on the wording of Article 18, which leaves no room for more creative interpretation. This outcome has faced significant criticism in the legal literature. It is difficult to suggest that the Court of Justice should ignore the clear wording of Article 18 (European Parliament &. C., Regulation (EU) No. 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (recast)., 2012). The criticism was directed either at the wording itself or at the Regulation. The Commission was also aware of this deficiency, and the issue was addressed ((2012)., Discussion paper: Informal meeting of Justice and Home Affairs Ministers, Copenhagen, 26–27 January 2012 – Brussels I Regulation., 2012) (C-462/06 Glaxosmithkline v Rouard, 2008) (Communities, Council of the European Union. (2001). Council Regulation (EC) No 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters.) ((2009), 2009) in the drafting of the new Brussels Regulation.

2.2. Clarification of the Concept of the Place Where Work is Habitually Performed

The Regulation provides for jurisdiction in relation to claims against the employer in the place where the employee habitually performs their work. The CJEU has already clarified that if work is performed in more than one Member State, it is the place where the employee primarily fulfills their obligations towards their employer, or where they actually carry out the essential part of their duties for the employer. In this context, it is decisive whether the employee has an office in a given state from which they organize their work activity and connections; if such an office exists, it will be considered the habitual place of work. If this is not the case, it must be determined where the employee has established the effective center of their work activity.

The recast of the Brussels Regulation does not bring any real change regarding the regime presented. There is, however, a distinction in the wording of the new Article 21(1)(b), which refers to a place where or from which the employee habitually performs their work.However, the inclusion of the phrase "or from which" simply confirms the criterion of the "base" that had already been established (44/2001) (developed through CJEU case law under Regulation 44/2001). This does not bring a substantial change, but merely a clarification, aligning the definition in the Brussels I Regulation with Article 7 of Rome I Regulation.

Article 21(1) of the Regulation also allows employees to bring proceedings in the courts of the place where the business that employed them is located, whether or not this is the place where they habitually performed their work (European Parliament &. C., 2012). This option is not truly favorable to employees, and arguably favors the defendants. Therefore, it is not surprising that the CJEU chose a broad interpretation of the first option (habitual place of work), thereby narrowing the scope of applicability of the second option. Since it now appears that it is almost always possible to determine the place where work is habitually performed (C-125/92 Mulox IBC Ltd v Hendrick Geels, 1993) (C-383/95 Rutten v Cross Medical Ltd, 1997) .

3. Jurisdiction Based on Submission to Proceedings

A protective jurisdictional regime favorable to the weaker party can only be effective if it is ensured that the weaker party cannot, in principle, agree in a contract to a jurisdiction that would undermine the procedural protections of Articles 3–5 of the Brussels I Regulation.

Articles 13, 17, and 21 significantly limit the power of the other party in a contract to deviate from these procedural protections through a jurisdiction agreement. Considering the real situation, as determined by the CJEU in a different context, the weaker party would otherwise be exposed to having to accept terms drafted in advance by the other party, without being able to influence the content of those terms (European Parliament &. C., Regulation (EU) No. 1215/2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (recast)., 2012). When entering into a contract of employment, or as an employee, consumer, or insurer, the average party does not take into account the jurisdiction clause, which forms part of the contract.

4. Conclusion

The analysis of the jurisdiction over consumer, employment and insurance contracts under the Brussels I Regulation (Regulation No. 44/2001) and its reform through the Brussels I Regulation (Recast) – Regulation No. 1215/2012 shows that the jurisdictional system of the European Union is built on the principle of protecting the weaker party in cross-border contractual relations. This regime represents an important development in private international procedural law, aiming to ensure real and effective access to justice for consumers, employees and insurance beneficiaries. By creating a specific jurisdictional regime, the regulation aims to correct the structural inequalities that exist between contracting parties. This is achieved through several main mechanisms: providing more favourable grounds of jurisdiction for the weaker party when it acts as a claimant, limiting its possibility of being sued only at its domicile when it is in the position of the defendant, and limiting contractual agreements that deviate from this protective regime. However, the study shows that despite significant progress, the jurisdictional system set up by the Brussels I Regulation and its later revisions still has some unclear points and limitations.

One of the most discussed issues relates to the territorial scope of the rules of jurisdiction over third-country defendants and the relationship between the rules of the Regulation and the jurisdiction provided for by the national laws of the Member States. The interpretation of the relevant provisions, in particular as regards the relationship between the articles governing jurisdiction over third-country defendants and the national rules, still remains the subject of doctrinal debate and requires further clarification in case law.

A further issue concerns the constraints the regulation places on the application of alternative jurisdictional grounds in intricate cross-border scenarios, exemplified by employment arrangements within multinational corporate structures. The limitation on the capacity to commence legal proceedings against co-defendants within a unified jurisdiction might pose tangible difficulties for employees, potentially diminishing the effectiveness of procedural protections. Conversely, the jurisprudence of the Court of Justice of the European Union has significantly influenced the interpretation and evolution of these regulations, particularly concerning the definition of the location where the employee regularly performs their duties, thereby fostering greater predictability and legal certainty in the regulation's implementation.

In conclusion, it can be noted that the jurisdictional regime provided for by the Brussels I Regulation on consumer, employment and insurance contracts represents an essential instrument for the procedural protection of the weaker parties in cross-border contractual relationships. However, some interpretative ambiguities and structural limitations continue to exist, indicating the need for further developments in case law and, if necessary, for further improvements in the European Union normative framework.

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Flood Hazard Mapping for Development Zoning in the Shkumbin Floodplain

Olsi Barko
Polytechnic University of Tirana, Faculty of Civil Engineering, Tirana, Albania

Abstract

Urban planning and land-use control in flood-prone lowlands often rely solely on flood extent, leading to uniform development restrictions despite strong spatial variability in hydraulic conditions within the inundated area. This study proposes a development-constraint zoning framework for the Shkumbin River floodplain (Albania) based on peak flood depth and velocity metrics and building-stability thresholds reported by Smith et al. (2014). An unsteady 2D hydraulic model is used to simulate the 1% annual exceedance probability (AEP) event (T = 100 years) and to derive spatial fields of water depth (h) and flow velocity (v). Peak-condition rasters, h_max and v_max, are then computed as the maximum values at each grid cell over the simulation period. Development-constraint zones (A–C) are delineated by comparing the (h_{max}, v_{max}) pair at each cell against the Smith et al. thresholds, distinguishing: (A) development permitted under baseline conditions, (B) conditional development requiring enhanced flood-resilient design and functional safeguards, and (C) highly constrained areas not suitable for standard construction. Zone-specific planning requirements are defined, including minimum finished-floor levels relative to the 1% AEP water surface elevation (WSE) with differentiated freeboard allowances (+0.30 m for Zone A; +0.60 m for Zone B). Additional conditions for Zone B address flood-compatible ground-floor uses, safe access/egress, and local erosion/scour protection in high-velocity corridors. The proposed workflow provides a transparent and reproducible pathway from hydraulic outputs to development control, enabling more targeted and technically defensible zoning in the Shkumbin River floodplain.

Keywords: Flood hazard mapping; development constraints; 1% AEP flood; depth–velocity hazard; Shkumbin River floodplain.

Introduction

Floodplain planning and land-use control are often guided primarily by one basic question: where does the water go? Although flood-extent mapping provides an essential first representation of inundation, it does not by itself capture the full range of hydraulic conditions that determine the suitability of land for development. Within the same flooded area, hydraulic behaviour may vary substantially: in some locations, floodwater may remain shallow and slow-moving, whereas in others it may be deeper, faster, and associated with significantly greater implications for structural safety and urban functionality (Maranzoni et al., 2023; Australian Institute for Disaster Resilience [AIDR], 2017). For this reason, flood-risk management guidance recognizes land-use planning as a key instrument for reducing exposure and directing development toward safer and more resilient spatial arrangements (Associated Programme on Flood Management [APFM], 2016; McLuckie et al., 2016; AIDR, 2017). In this context, zoning development constraints on the basis of hydraulic indicators provides a more informative framework than flood extent alone. In the present study, hydraulic modelling results are translated into planning-oriented development constraints using

the hazard thresholds and associated building response criteria reported by Smith et al. (2014), which directly relate depth–velocity conditions to the expected performance of standard building types. This enables a clearer connection between hydraulic outputs and planning decisions by distinguishing zones where development may be permitted under basic conditions, zones where enhanced resistance measures and functional requirements are necessary, and zones where conventional development becomes unsuitable.

Reliable identification of such zones requires hydrodynamic modelling, particularly two-dimensional (2D) approaches, to derive the spatial distribution of flood depth and flow velocity across the floodplain (Maranzoni et al., 2023). For planning applications, peak indicators such as hmax and vmax are especially useful because they represent the most critical hydraulic conditions simulated at each location during the design event (Maranzoni et al., 2023; AIDR, 2017). On this basis, the proposed A–C zoning framework is conceived as a development-control tool that reflects the internal hydraulic heterogeneity of the flooded area rather than treating the floodplain as a single and uniform zone.

The practical value of this approach lies in its translation into clear development rules, including minimum floor elevations (freeboard), requirements for safe access and egress, and localized protection measures in high-velocity corridors, particularly where development constraints are governed more by flow dynamics than by flood depth alone (APFM, 2016; McLuckie et al., 2016; AIDR, 2017). Planning guidance commonly recommends a freeboard allowance of about 0.3 m and, under more adverse or uncertain conditions, up to 0.6 m, as a pragmatic means of accounting for local variability and residual uncertainty in flood estimates (Royal Borough of Kingston upon Thames, n.d.; Environment Agency, 2017; Province of British Columbia, 2018). Within this framework, a transparent and reproducible workflow linking hmax and vmax to explicit building-suitability thresholds can support flood-hazard-based zoning and make development-constraint zoning more understandable for planning practice and more technically defensible in decision-making (Maranzoni et al., 2023; APFM, 2016; McLuckie et al., 2016; AIDR, 2017).

Materials and methods

2.1 Study Area

The study focuses on the Shkumbin River floodplain, along the reach where the river transitions from the hilly sector to the alluvial plain and interacts with the adjacent inundation area. In this reach, the mild longitudinal slope, the width of the floodplain, and the presence of levees influence water levels, flood extent, and overtopping processes during high-flow events. The hydrodynamic model was developed using a 2 m resolution raster DEM, together with land-cover data for the spatial parameterization of Manning's roughness coefficients (n). The hydrological dataset is based on annual maximum discharges for the period 1949–1991, which served as the basis for the reassessment of design flows. The description of the study area and the basic model configuration follow the previously published study by Barko and Gjoka (2025). In the present study, the analysis is extended by extracting

the peak hydraulic indicators of flood depth and flow velocity (hmax, vmax) from the 2D simulation of the 1% AEP event, and by developing an A–C zoning scheme for development constraints based on the hazard thresholds and associated building response criteria reported by Smith et al. (2014). This zoning framework is intended to translate the spatial heterogeneity of hydraulic conditions within the flood extent into development rules applicable to urban planning and land-use control.

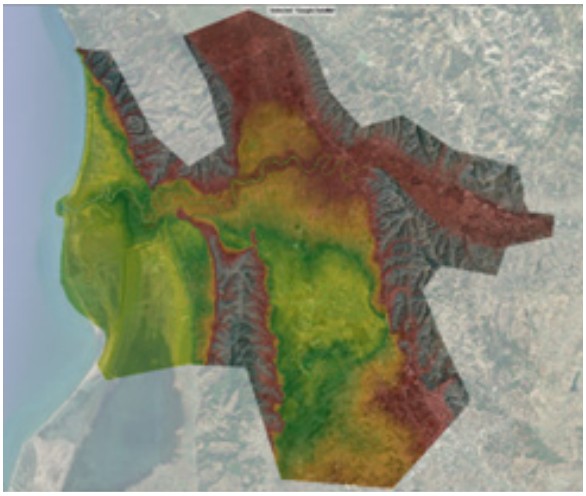

Figure 1: Overview of the Shkumbin floodplain

Figure 2: Location of the study area on the map of Albania

2.2 Hydrological Analysis

The design discharge was determined through flood frequency analysis by testing widely used statistical distributions (e.g., Gumbel/EV1, Log-Pearson III, and GEV) and relying on goodness-of-fit and diagnostic indicators for model selection. For the 1% AEP planning event (T = 100 years), the analysis yielded a design discharge of Q1% = 1780 m^3/s, which was used to construct the design inflow hydrograph (boundary hydrograph) for the 2D hydraulic model.

Table 1: Estimated flood quantiles for selected return periods with 95% confidence intervals

			Delta Method
T	q	**X_T (MLE)**	95% CI
100	0.99	**1780**	1480 - 2090
50	0.98	**1610**	1340 - 1870
20	0.95	**1380**	1160 - 1590

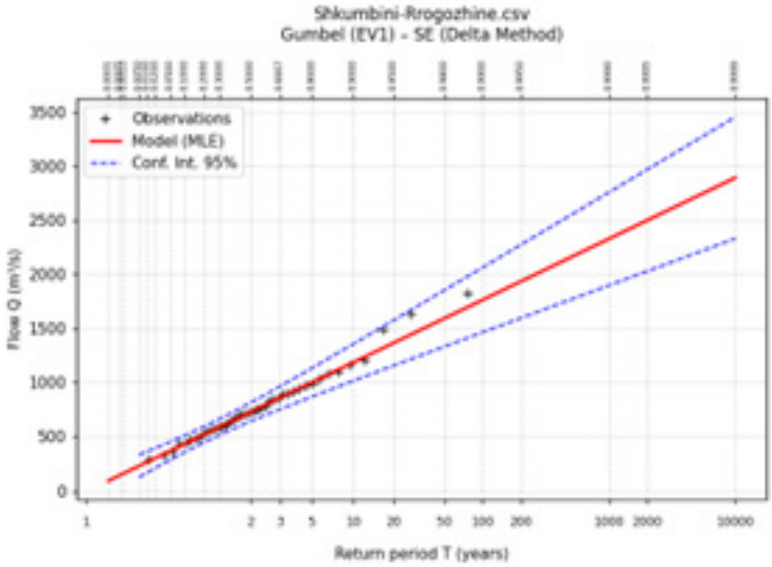

Figure 3: Fitted Gumbel distribution for the data series

2.3 Hydraulic Modelling

The hydraulic modelling was carried out in HEC-RAS 6.6 using a 2D configuration, with a computational mesh adapted to the DEM resolution and the morphological complexity of the study area. Manning's roughness coefficients were spatially distributed according to land cover, reflecting variations in flow resistance across the floodplain. Boundary conditions included inflow discharge hydrographs and a downstream boundary condition (e.g., normal depth or a stage–discharge relationship, depending on the reach). Cell size was typically maintained within the range of 10–30 m over the floodplain, with local refinement near levees and other critical features.

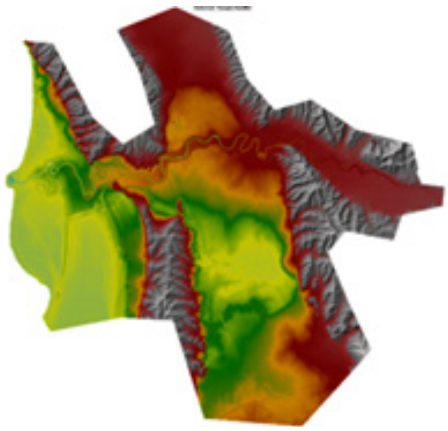

Figure 4: Digital Terrain Model (DTM)

Figure 5: Land cover and associated Manning's roughness coefficients

2.4 Flood Hazard Mapping and Development Constraint Zones (A–C)

From the results of the 2D simulation, raster maps of water depth (h) and flow velocity (v) were extracted for each time step, together with the extent of the flooded area. For urban planning and land-use control purposes, these time-varying fields were processed into peak indicators by calculating, for each cell, the maximum values of hmax and vmax over the entire simulation. These indicators represent the most adverse hydraulic conditions predicted by the model for the 1% AEP event. On this basis, a zoning map of development constraints (A–C) was developed using the structural stability thresholds reported by Smith et al. (2014), expressed as limits of the depth–velocity (h–v) combination. For each cell, the pair (hmax, vmax) was compared against these thresholds and classified into three regulatory zones: Zone A (development permitted under basic conditions), Zone B (conditional development requiring enhanced resistance measures and functional requirements), and Zone C (highly restricted / unsuitable for standard buildings). This approach directly translates the spatial variability of (h, v) into a reproducible planning instrument for decision-making.

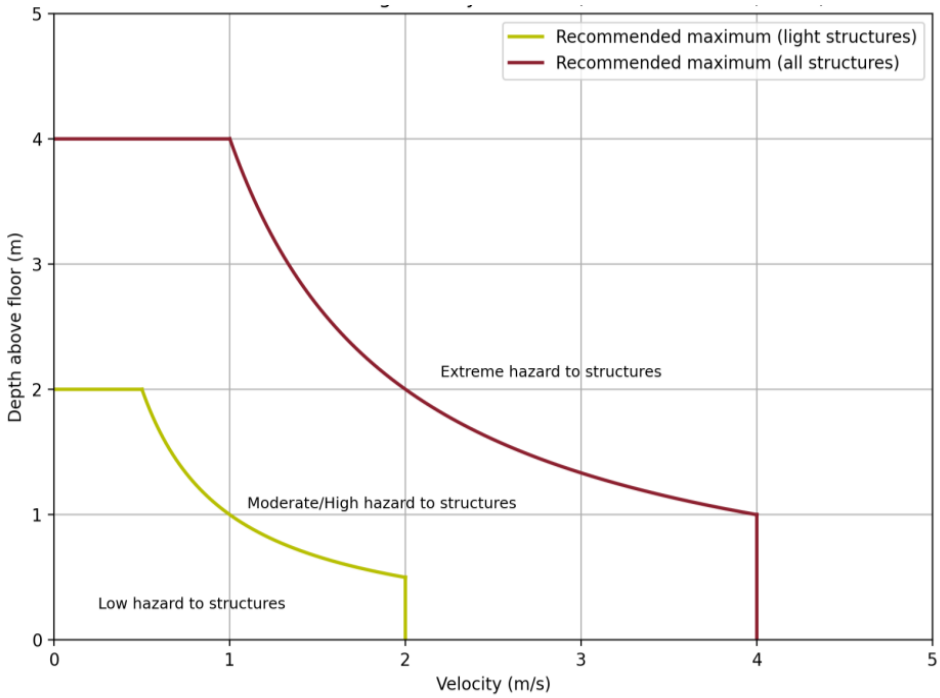

Figure 6: Depth–velocity thresholds for building stability and corresponding hazard bands. Adapted from Smith et al. (2014) [1].

For areas where development was considered permissible (Zones A and B), planning requirements were defined, including minimum finished floor levels relative to the water surface elevation (WSE) of the 1% AEP event, with differentiated freeboard allowances: +0.30 m for Zone A and +0.60 m for Zone B. For Zone B, additional

conditions were introduced, including flood-compatible ground-floor uses, requirements for safe access and egress, and local erosion/scour protection measures in sectors characterized by high flow velocity. For Zone C, only flood-compatible land uses were recommended (e.g., green areas, agriculture, and flow corridors), while avoiding new conventional buildings. To evaluate the benefit of the structural-threshold-based approach, spatial statistics of area distribution across Zones A–C were calculated and compared with the extent-only delineation approach (i.e., a single undifferentiated flood zone) for the 1% AEP event. This comparison highlights that zoning based on (hmax, vmax) enables more targeted development constraints than reliance on flood extent alone.

Table 1: Development zoning criteria for the 1% AEP floodplain

Zone	Permissibility	FFL / Freeboard (above WSE_{1% AEP})	Main conditions
A	Permitted	+0.30 m	Basic flood-resistance measures; functional access/egress
B	Permitted with conditions	+0.60 m	Flood-compatible ground floor;safe access/egress; scour protection in sectors with high velocity
C	Not permitted for standard buildings	—	Only flood-compatible uses; preservation of flow corridors

Results

The 2D hydraulic simulation of the 1% AEP event provided the spatial distribution of maximum flood depth (hmax) and maximum flow velocity (vmax) across the Shkumbin River floodplain. Based on these outputs, the inundated area was classified into development-constraint zones according to the hazard thresholds and associated building-response criteria proposed by Smith et al. (2014). The resulting zoning identifies areas where development may be generally permitted, conditionally permitted, or restricted, as summarized in Table 1.

Spatial statistics show that the percentage distribution of zoning classes varies depending on whether the flow corridor is included in the area calculation. When the flow corridor is included, Zone A accounts for 92.99%, Zone B for 6.96%, and Zone C for 0.05% of the total inundated area (Table 2). When the flow corridor is excluded, the relative share of the more restrictive zones increases, with Zone A representing 80.8%, Zone B 16.0%, and Zone C 3.1% of the inundated area (Table 3).

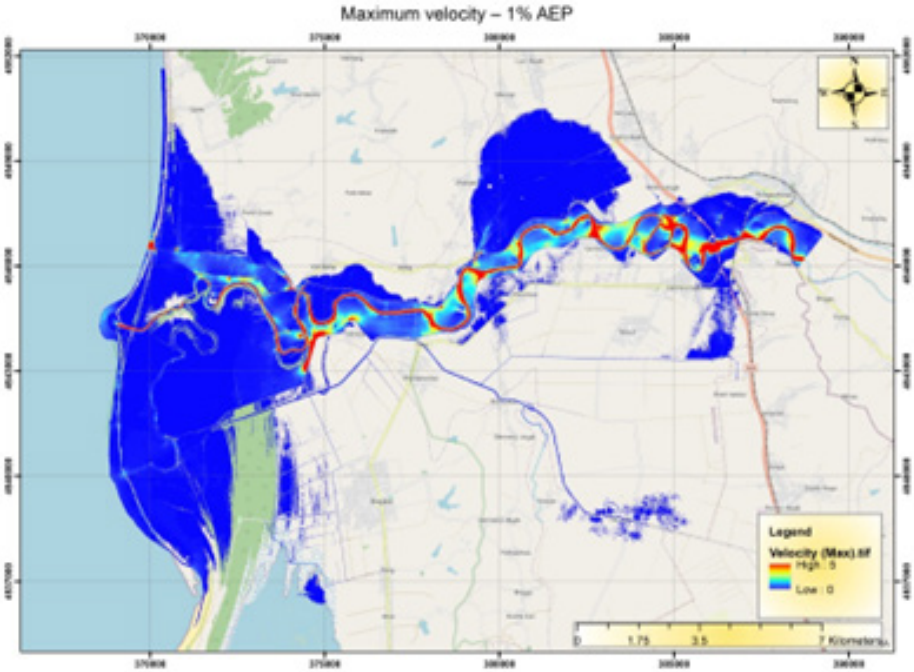

Figure 7: Map of ma

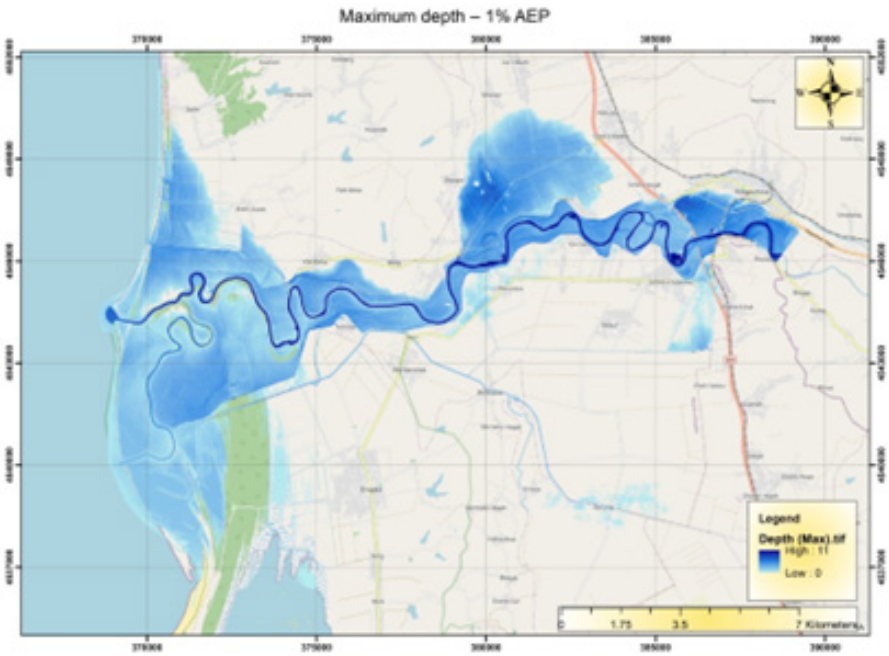

Figure 8: Map of maximum flood depth

This comparison is illustrated in Figure 10, which highlights the strong dominance of Zone A when the flow corridor is included, and the increase in the relative share of

Zones B and C when it is excluded.
These results indicate that the flow corridor is largely characterized by less restrictive hydraulic conditions, whereas the remaining inundated floodplain contains a greater proportion of areas subject to conditional or restricted development. Overall, the results show that zoning based on hmax, vmax, and structural thresholds provides a more differentiated and technically meaningful basis for development control than a generalized flood-extent approach alone.

Figure 9: Flood hazard zoning map according to Smith et al. (2014) for the 1% AEP event

Table 2: Percentage of zones relative to the total flooded area, excluding the flow corridor – 1% AEP

Zone	Area_km2	Percent_of_total
Zone A (within light-structures limit)	36.3	92.99
Zone B (between light and all-structures limits)	2.7	6.96
Zone C (above all-structures limit)	0.0	0.05
TOTAL (A+B+C) [excluding corridor]	39.0	100.00

Table 3: Percentage of zones relative to the total flooded area, including the flow corridor – 1% AEP

Zone	Area_km2	Percent_of_total
Zone A (within light-structures limit)	60.6	80.8
Zone B (between light and all-structures limits)	12.0	16.0
Zone C (above all-structures limit)	2.3	3.1
TOTAL (A+B+C) [including corridor]	75.0	100.0

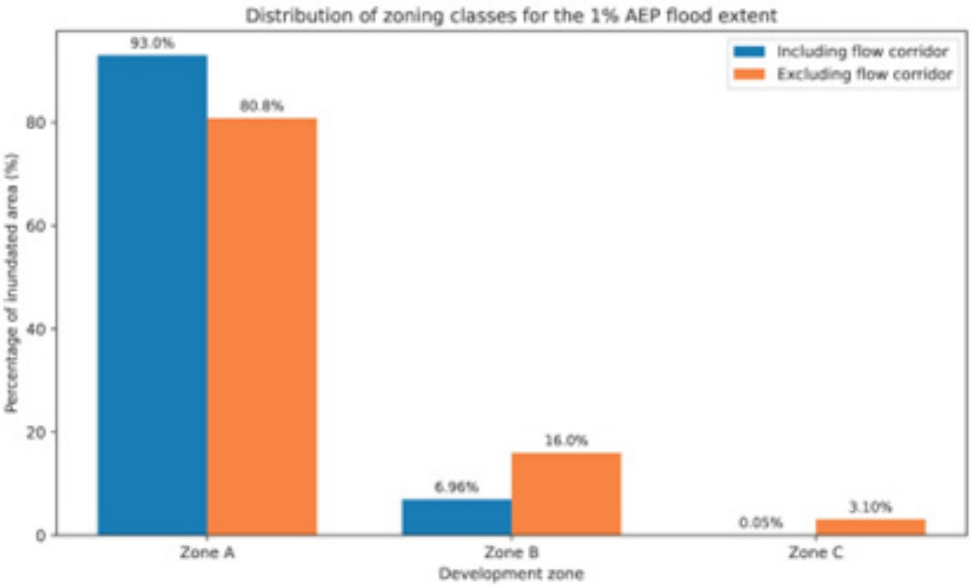

Figure 10: Percentage distribution of development zones for the 1% AEP flood extent, with and without inclusion of the flow corridor.

Conclusion

This study shows that relying solely on the flood extent of the 1% AEP event (T = 100 years) is not sufficient for urban planning, because hydraulic conditions vary significantly within the inundated area and produce different levels of development constraint. Based on the results of the 2D modelling, the peak fields of water depth and flow velocity (hmax, vmax) were used to develop the A–C zoning scheme according to the structural stability thresholds of Smith et al. (2014) [1], distinguishing areas where development is permitted under basic conditions (Zone A), areas where development is conditional upon additional measures (Zone B), and areas where conventional building development is not recommended (Zone C). In quantitative terms, the distribution of zones is dominated by Zone A, while the treatment of the river corridor has a particularly strong influence on the more restrictive zones. When the river corridor is excluded, Zone A accounts for 92.99%, Zone B for 6.96%, and Zone C for 0.05%. When the corridor is included, Zone A decreases to 80.8%, while Zone B increases to 16.0% and Zone C to 3.1% (Tables 2–3). This indicates that the highest levels of hazard and development constraint are concentrated within the active flow corridor and in sectors characterized by high velocities, thereby justifying its treatment as a functional no-build zone and the application of differentiated requirements (e.g., freeboard of +0.30 m for Zone A and +0.60 m for Zone B, together with conditions for safe access/egress and local erosion/scour protection measures). Overall, the proposed workflow establishes a clear link between 2D hydraulic modelling and urban planning rules, thereby improving the transparency and reproducibility of decision-making for flood-risk management in the Shkumbin floodplain.

Recommendations

In practical application, it is recommended that the A–C zoning of development constraints, derived from the peak indicators hmax and vmax and from the structural stability thresholds according to Smith et al. (2014) [1], be integrated into urban planning instruments (local plans, development regulations, and permit conditions), linking each zone to clear building and functional requirements. For Zone A and Zone B, minimum finished floor levels should be applied relative to WSE_{1% AEP}, with differentiated freeboard allowances (+0.30 m and +0.60 m, respectively). For Zone B, it is further recommended that conditions for safe access and egress, flood-compatible ground-floor uses, and local erosion/scour protection measures in high-velocity sectors be standardized. The river corridor should be formalized as a functional no-build zone and accompanied by channel-management measures, including erosion control, maintenance of the conveyance section, and preservation of flow space. To maintain the validity of the development constraints, periodic reassessment of maps and model parameters is recommended, including topography/DEM, land cover, Manning's coefficients, morphological changes, and interventions in the channel or levees, particularly after major flood events. Regular inspection of levee conditions is also recommended in order to identify local damage, erosion, or structural weakening that could increase flood risk during design-flow events.

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The Right to a Fair Trial as a Component of Due Process: Ensuring Effective Legal Protection under International Human Rights Law

Assoc. Prof. Dr. Elizabeta Imeraj
"Barleti" University, Tirana, Albania

PhD (C.) Flutur Shabani
"Barleti" University, Tirana, Albania

Abstract

The right to a fair trial constitutes a fundamental element of due process and stands as a cornerstone of international human rights law. It embodies the principle that justice must not only be done but must also be seen to be done, ensuring that legal proceedings are conducted in a manner that is equitable, transparent, and free from bias or undue influence. This right serves as a critical safeguard against arbitrary decision-making by state authorities, protecting individuals from abuses of power and ensuring that their legal claims are adjudicated by competent, independent, and impartial tribunals. By guaranteeing procedural fairness, the right to a fair trial reinforces public confidence in the justice system and upholds the rule of law. At its core, the right to a fair trial encompasses a range of procedural guarantees, including the presumption of innocence, the right to be informed promptly of charges, adequate time and facilities to prepare a defense, access to legal representation, and the right to a public hearing within a reasonable time. These guarantees collectively ensure that individuals are afforded a meaningful opportunity to present their case and challenge the evidence against them. Moreover, the transparency of proceedings plays a vital role in promoting accountability and preventing miscarriages of justice. This paper explores the legal foundations of the right to a fair trial within the framework of international human rights law, with particular reference to key instruments such as the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. These instruments establish universally recognized standards that bind states to respect, protect, and fulfill fair trial rights. However, despite their widespread acceptance, significant challenges persist in their implementation across different jurisdictions. Issues such as judicial inefficiency, lack of independence, limited access to legal aid, and political interference continue to undermine the effectiveness of these protections.

Keywords: fair trial, due process, human rights, international law, legal protection.

1. Introduction

The concept of due process is central to the rule of law and democratic governance, serving as a foundational principle that ensures the fair, consistent, and lawful exercise of state power. It requires that all legal proceedings respect established rules and principles designed to protect individual rights and prevent arbitrary actions by authorities. According to Nowak and Wouter (2019) and Tomuschat (2014), due process is a fundamental safeguard that limits state authority and ensures legality in judicial decision-making. At its core lies the right to a fair trial, which guarantees that individuals are treated with justice, dignity, and equality within the legal system. This right operates as a procedural safeguard, ensuring that decisions affecting individuals' rights and obligations are made through transparent and equitable processes (United

Nations, 1948; United Nations General Assembly, 1948; Shelton, 2020). The right to a fair trial protects against abuses of power by mandating that legal proceedings be conducted in a manner that is fair, public, and adjudicated by independent and impartial tribunals. These requirements are essential in preventing corruption, bias, and undue political influence within the judiciary. As emphasized by Merrills and Robertson (2017), judicial independence is a cornerstone of human rights protection. Furthermore, fair trial guarantees including the presumption of innocence, the right to legal representation, and the right to be heard ensure that individuals have a meaningful opportunity to defend themselves and challenge evidence presented against them (United Nations, 1966; Human Rights Committee, 2007; Cassese, 2005). In this sense, due process is not merely a formal legal requirement but a substantive mechanism for achieving justice. In the framework of international human rights law, the right to a fair trial is widely recognized as indispensable for the protection and enforcement of all other rights. Scholars such as Alston and Goodman (2013) argue that fair trial rights are the "gateway rights" upon which all other human rights depend. Without access to a fair and effective judicial process, individuals are unable to seek remedies for violations of their fundamental freedoms. As emphasized in international instruments such as the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, fair trial rights form the backbone of legal accountability and the administration of justice (United Nations, 1948; United Nations, 1966; Steiner, Alston & Goodman, 2008). Consequently, the absence or erosion of these guarantees risks transforming legal systems into tools of oppression rather than instruments of justice, thereby undermining public trust and weakening democratic institutions.

2. **Legal Framework of the Right to a Fair Trial**

The right to a fair trial is firmly enshrined in several key international legal instruments that collectively form the foundation of global human rights protections. At the universal level, Article 10 of the Universal Declaration of Human Rights (UDHR) establishes that everyone is entitled to a fair and public hearing by an independent and impartial tribunal in the determination of their rights and obligations or of any criminal charge against them (United Nations General Assembly, 1948). According to Schabas (2015) and Nowak (2005), this provision reflects the post–World War II development of procedural justice as a cornerstone of international human rights law. This provision reflects the international community's commitment to safeguarding individuals from arbitrary justice systems and ensuring procedural fairness as a basic human right. Similarly, Article 14 of the International Covenant on Civil and Political Rights (ICCPR) provides a detailed and comprehensive framework of procedural safeguards that define the right to a fair trial in binding international law. These safeguards include equality before courts and tribunals, the presumption of innocence, the right to be informed of charges, adequate time and facilities for defense preparation, the right to legal counsel, and the right to a public hearing by a competent, independent, and impartial tribunal established by law (United Nations General Assembly, 1966). As explained by Joseph and Castan (2013), Article 14 is one

of the most detailed fair trial provisions in international law, forming the procedural backbone of criminal justice protections worldwide. Unlike the UDHR, which is declaratory in nature, the ICCPR imposes legal obligations on ratifying states, thereby strengthening enforcement mechanisms for fair trial rights. At the regional level, human rights systems further reinforce and elaborate these universal protections. The European Convention on Human Rights (ECHR), particularly Article 6, guarantees the right to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law (Council of Europe, 1950). According to Harris, O'Boyle, and Warbrick (2018), Article 6 is one of the most litigated provisions before the European Court of Human Rights and has significantly shaped modern fair trial standards. In the African context, Article 7 of the African Charter on Human and Peoples' Rights affirms similar protections, including the right to appeal, the presumption of innocence, and the right to defense (Organisation of African Unity, 1981), as analyzed by Heyns (2004) in African human rights jurisprudence. Likewise, the American Convention on Human Rights under Article 8 provides extensive procedural guarantees, emphasizing judicial independence and due process protections within the Inter-American human rights system (Organization of American States, 1969), as discussed by Pasqualucci (2013). Together, these international and regional instruments establish a coherent and evolving global standard for judicial fairness and accountability. Scholars such as Alston and Goodman (2013) argue that these frameworks demonstrate the universalization of fair trial guarantees as core components of the rule of law. They demonstrate a shared recognition across legal systems that fair trial rights are indispensable to the protection of individual liberties and the legitimacy of judicial institutions. The right to a fair trial is a multidimensional guarantee that forms the procedural backbone of due process in both domestic and international legal systems. International human rights law, particularly Article 14 of the ICCPR, articulates minimum guarantees that define a fair hearing (United Nations General Assembly, 1966). According to the Human Rights Committee, these safeguards must be interpreted broadly to preserve justice and prevent miscarriages of justice (United Nations Human Rights Committee, 2007). Scholars such as Bassiouni (2008) emphasize that fair trial guarantees are essential to preventing state abuse in criminal justice systems. One of the foundational principles of a fair trial is equality before courts and tribunals. This principle requires that all parties are treated without discrimination. As noted by Ovey and White (2006), equality of arms is a fundamental requirement of procedural fairness under international law. Judicial independence and impartiality are central to the legitimacy of any legal system. An independent tribunal must be free from political influence, while impartiality requires absence of bias. The European Court of Human Rights has consistently reinforced these standards under Article 6 (European Court of Human Rights, 1970), and scholars such as Shany (2014) emphasize that judicial independence is a structural requirement of international justice systems. The presumption of innocence is a cornerstone of criminal justice systems. According to Weissbrodt and Heilman (2011), this principle is essential to preventing wrongful convictions and ensuring fair prosecution standards. The ICCPR explicitly recognizes this right (United Nations General Assembly, 1966). Effective legal representation is essential to ensuring fairness. As noted by Sanders

and Young (2015), access to competent counsel is critical for equality in adversarial systems. Public hearings promote transparency, although exceptions are permitted under international law (United Nations General Assembly, 1966). The requirement that trials be conducted within a reasonable time is essential to prevent injustice caused by delay. The European Court of Human Rights has developed extensive jurisprudence on this principle (European Court of Human Rights, 1978), while Trechsel (2005) emphasizes that delay undermines the effectiveness of justice. Due process ensures that the state respects legal rights owed to individuals. According to Craig (2016), due process functions as a safeguard against arbitrary governance and ensures lawful administration of justice.

3. **Challenges in Implementation**

Despite its strong entrenchment in international human rights law, the right to a fair trial remains inconsistently implemented across jurisdictions. While instruments such as Article 14 of the International Covenant on Civil and Political Rights (ICCPR) and Article 6 of the European Convention on Human Rights (ECHR) establish clear procedural guarantees, practical enforcement often falls short due to structural, political, and institutional constraints (United Nations General Assembly, 1966; Council of Europe, 1950). According to Steiner, Alston, and Goodman (2008) and Hathaway (2002), this gap between legal norms and state practice is one of the most persistent weaknesses in international human rights enforcement. One of the most persistent obstacles to fair trial implementation is the lack of genuine judicial independence. In many states, the judiciary remains vulnerable to influence from the executive or legislative branches, undermining impartial adjudication. Political interference may occur through the appointment and dismissal of judges, budgetary control, or direct pressure in sensitive cases. Scholars such as Shany (2014) and Garoupa and Ginsburg (2009) emphasize that judicial independence is a structural precondition for the legitimacy of any legal system. The United Nations Human Rights Committee has further emphasized that states must guarantee both institutional and personal independence of the judiciary (United Nations Human Rights Committee, 2007). Where such independence is compromised, trials risk becoming tools of political control rather than instruments of justice. Access to competent legal representation is a fundamental component of a fair trial, yet it remains unevenly available, particularly in developing or resource-constrained legal systems. Individuals who cannot afford private counsel often rely on underfunded legal aid systems, which may lack adequate staffing, training, or resources. According to Sanders and Young (2015) and Cappelletti and Garth (1978), access to justice is meaningless without effective legal assistance. International human rights standards require that legal assistance be "practical and effective," not merely theoretical (United Nations Human Rights Committee, 2007). However, in practice, delays in appointing counsel and overburdened public defense systems frequently undermine the quality of defense, disproportionately affecting marginalized populations. Excessive delays in judicial proceedings constitute another major challenge to fair trial implementation. Court congestion, administrative inefficiencies, and procedural complexity often result in

prolonged pre-trial detention and delayed judgments. The European Court of Human Rights has consistently held that the "reasonable time" requirement under Article 6 must be assessed in light of case complexity and state responsibility (European Court of Human Rights, 1978). Scholars such as Trechsel (2005) and Delmas-Marty (2002) argue that delay undermines the substantive fairness of criminal justice systems and weakens the presumption of innocence in practice.

Corruption within judicial and law enforcement institutions poses a serious threat to fair trial guarantees. Bribery, manipulation of evidence, and improper influence over judicial outcomes distort the integrity of legal proceedings. The United Nations Office on Drugs and Crime (UNODC) has identified judicial corruption as a global challenge that erodes public trust and undermines the rule of law (United Nations Office on Drugs and Crime, 2011). According to Rose-Ackerman and Palifka (2016), corruption in justice systems directly undermines equality before the law and creates systemic injustice. When accountability mechanisms are weak or ineffective, violations of fair trial rights often go unpunished. Discrimination based on socioeconomic status, ethnicity, gender, or political affiliation can significantly affect the fairness of trials. Although international law prohibits discrimination in judicial proceedings, implicit bias and structural inequality continue to influence outcomes in many legal systems. The ICCPR requires equality before courts and tribunals (United Nations General Assembly, 1966). As noted by Fredman (2011) and Merry (2006), formal equality is insufficient where structural inequalities shape access to justice and courtroom outcomes. Such inequalities undermine the principle of equal justice under law and weaken public confidence in judicial institutions. Another significant challenge arises from the use of emergency powers and national security justifications to restrict fair trial rights. While international law permits certain derogations during emergencies, such measures must be strictly necessary, proportionate, and non-discriminatory. However, in practice, states sometimes expand emergency powers beyond permissible limits, leading to military tribunals, secret proceedings, or restricted access to counsel. The Human Rights Committee has warned that even during emergencies, core fair trial guarantees must remain protected (United Nations Human Rights Committee, 2001). Scholars such as Gross and Ní Aoláin (2006) caution that normalization of emergency powers risks permanently weakening constitutional safeguards and judicial fairness.

4. **Ensuring Effective Legal Protection**

Ensuring effective legal protection of the right to a fair trial is a central obligation under international human rights law and a fundamental requirement of the rule of law. While the right is firmly established in key instruments such as Article 14 of the International Covenant on Civil and Political Rights (ICCPR) and Article 6 of the European Convention on Human Rights (ECHR), its effectiveness depends on the existence of practical mechanisms that translate legal norms into enforceable rights (Council of Europe, 1950; United Nations General Assembly, 1966). According to Shelton (2020) and Tomuschat (2014), effective human rights protection requires not only normative recognition but also institutional enforceability and state compliance. Effective legal protection therefore goes beyond formal recognition

and requires functioning institutions, accessible remedies, and enforceable judicial guarantees. A primary requirement for effective legal protection of fair trial rights is a genuinely independent judiciary. Judicial independence ensures that courts can adjudicate disputes without interference from the executive or legislative branches of government. The United Nations Human Rights Committee has emphasized that independence must be both structural and functional (United Nations Human Rights Committee, 2007). Scholars such as Fiss (1993) and Shany (2014) argue that judicial independence is essential for maintaining legitimacy and fairness in adjudication systems.

Institutional safeguards such as transparent appointment procedures, secure tenure, and financial autonomy of the judiciary are essential to preventing undue influence. Where such safeguards are weak, the enforcement of fair trial rights becomes inconsistent, and legal protection loses its effectiveness. According to Helmke and Rosenbluth (2009), weak institutional design significantly undermines judicial accountability and independence. Effective legal protection of fair trial rights requires meaningful access to justice, particularly through functional legal aid systems. Without legal representation, individuals are unable to effectively exercise procedural rights such as challenging evidence, cross-examining witnesses, and presenting legal arguments. As emphasized by Cappelletti and Garth (1978) and Sanders and Young (2015), access to justice is meaningless without effective legal assistance. The ICCPR requires that legal assistance be provided where the interests of justice so require (United Nations General Assembly, 1966). In practice, however, legal aid systems in many jurisdictions suffer from underfunding, limited coverage, and administrative inefficiencies. These deficiencies disproportionately affect vulnerable populations, including low-income individuals, migrants, and marginalized communities. According to Gideon (1963) jurisprudence principles and modern commentary by Herring (2018), inequality in legal representation directly undermines substantive justice. Effective legal protection also depends on the consistent application of procedural safeguards. These include the presumption of innocence, the right to be informed of charges, the right to adequate time and facilities to prepare a defense, and the right to a public hearing. These safeguards ensure fairness and transparency (United Nations General Assembly, 1966). According to Ashworth and Redmayne (2010), procedural safeguards form the "core architecture" of criminal justice fairness. The European Court of Human Rights has consistently held that procedural fairness must be assessed holistically (European Court of Human Rights, 1970). Scholars such as Trechsel (2005) and Jacobs, White, and Ovey (2014) argue that fair trial evaluation requires an integrated assessment of all procedural elements. A key aspect of effective legal protection is the availability of remedies when fair trial violations occur. Remedies may include appeals, retrials, compensation, or exclusion of unlawfully obtained evidence. International human rights law requires effective remedies for violations (United Nations General Assembly, 1966). According to Shelton (2015), remedies are the "cornerstone of human rights enforcement." However, in many jurisdictions, enforcement mechanisms are weak or inaccessible. Delayed appellate processes, lack of independence in higher courts, and limited enforcement of judgments reduce effectiveness. As noted by Ginsburg and McAdams (2004), weak appellate structures

significantly reduce judicial accountability.
Effective legal protection is reinforced by accountability mechanisms at both domestic and international levels. National judicial councils, ombuds institutions, and disciplinary bodies ensure compliance with ethical standards. At the international level, treaty bodies such as the Human Rights Committee and regional courts such as the European Court of Human Rights provide oversight (United Nations Human Rights Committee, 2007). According to Alston and Goodman (2013), international monitoring mechanisms play a crucial role in enforcing compliance. Effective legal protection of fair trial rights also requires addressing systemic inequality within legal systems. Discrimination based on socioeconomic status, ethnicity, gender, or political affiliation can significantly undermine access to justice. International human rights law requires equal treatment before courts (United Nations General Assembly, 1966). According to Fredman (2011) and Merry (2006), structural inequality often prevents formal equality from translating into real justice. Measures such as judicial training on human rights, language interpretation services, and public legal education programs are essential to reducing inequality. As argued by UNDP (2004) and De Sousa Santos (2002), access to justice reforms must address both institutional and social barriers to be effective.

5. **Conclusion**

The right to a fair trial is widely recognized as a fundamental component of due process and an indispensable safeguard within the framework of international human rights law. It represents a core guarantee designed to ensure that all individuals, regardless of status or circumstance, are afforded justice that is administered in a manner that is fair, transparent, and consistent with established legal standards. This right is embedded in major international instruments, including the *Universal Declaration of Human Rights* and the *International Covenant on Civil and Political Rights*, which collectively affirm that judicial proceedings must be conducted before competent, independent, and impartial tribunals (United Nations General Assembly, 1948, 1966). A fair trial operates as a critical mechanism for protecting individuals against arbitrary or abusive exercises of state power. It ensures that legal proceedings adhere to principles of equality before the law, respect for procedural safeguards, and non-discrimination in the administration of justice. Transparency in judicial processes, including public hearings and reasoned judgments, further strengthens accountability and reinforces public trust in the legal system. These procedural guarantees collectively contribute to the legitimacy of judicial outcomes and support the broader objectives of the rule of law. Although substantial progress has been made in the development of international and regional legal frameworks that protect fair trial rights, significant challenges persist in their practical implementation. Many jurisdictions continue to face issues such as inadequate judicial independence, limited access to legal representation, procedural delays, systemic discrimination, and political interference in the justice system (United Nations Human Rights Committee, 2007). These challenges often result in a gap between normative legal standards and actual practice, thereby weakening the effectiveness of legal protections and undermining

confidence in judicial institutions. Strengthening the right to a fair trial is therefore essential for safeguarding individual freedoms and ensuring the proper functioning of democratic societies. This requires not only the existence of comprehensive legal frameworks but also the development of strong institutional capacity, effective accountability mechanisms, and sustained political commitment to judicial integrity. Without these elements, fair trial guarantees risk remaining theoretical rather than practical protections.

Ultimately, the right to a fair trial is not merely a technical legal requirement but also a moral imperative grounded in the principles of justice, human dignity, and equality. It reflects the idea that all individuals are entitled to be heard and judged fairly before the law. In this sense, the fair trial is both a legal safeguard and an ethical foundation of any just society, serving as a cornerstone for the protection of human rights and the preservation of the rule of law.

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Short-Circuit Evaluation in Logical Expressions: An Empirical Study of Student Misconceptions

Bojken Shehu
Polytechnic University of Tirana, Albania

Abstract

Short-circuit evaluation is a fundamental mechanism in programming languages that directly influences how logical expressions are processed during execution. This evaluation strategy allows expressions involving logical operators such as AND (&&) and OR (||) to terminate early once the final result is determined. While this behavior improves computational efficiency, it also has important implications for execution semantics, particularly when expressions include side effects such as increment operations. This paper examines the impact of short-circuit evaluation on program execution and investigates how this behavior is understood by novice programmers. The study focuses on identifying misconceptions related to evaluation order and the assumption that all conditions in a logical expression are always executed. To investigate these issues, a survey was conducted among first-year computer science students using a set of conceptual and code-based questions implemented in the C programming language. The results reveal a significant misunderstanding of short-circuit evaluation. Approximately 85% of participants incorrectly assumed that all conditions in a logical expression are always evaluated. This misconception was further reflected in responses to code-based questions, where many students expected side-effect expressions to be executed regardless of the outcome of the first condition. This study contributes to programming education research by empirically highlighting how misconceptions about short-circuit evaluation influence students' reasoning about program execution. These findings suggest that novice programmers often rely on an incorrect sequential model of program execution rather than understanding the actual evaluation semantics of logical operators. The paper highlights the importance of explicitly addressing short-circuit evaluation in introductory programming courses and encouraging programming practices that avoid side effects within logical expressions.

Keywords: short-circuit evaluation, logical operators, execution semantics, side effects, novice programmers, programming education.

1. Introduction

Logical operators play a central role in controlling program flow in modern programming languages. Operators such as logical AND (&&) and logical OR (||) are widely used to construct conditional expressions that determine execution paths and influence decision-making processes in programs (Kernighan & Ritchie, 1988; Ritchie, 1993).

A key characteristic of these operators is their reliance on short-circuit evaluation, an evaluation strategy in which the execution of a logical expression may terminate early if the final result can be determined from the first operand. This mechanism not only improves computational efficiency by avoiding unnecessary evaluations but also directly affects the semantics of program execution.

Despite its importance, short-circuit evaluation is often misunderstood by novice programmers. Many students assume that all conditions within a logical expression are evaluated sequentially, regardless of the outcome of preceding conditions. This misconception can lead to incorrect reasoning about program behavior, particularly when expressions include side effects such as variable increments or function calls. Previous research has shown that novice programmers frequently struggle to understand program execution and evaluation semantics (Robins et al., 2003; Lahtinen et al., 2005; Lister et al., 2004).

Understanding how logical expressions are evaluated is essential for writing correct and efficient code. Misinterpretations of evaluation order may result in subtle bugs and unintended program states, especially in cases where side effects are involved.

This paper aims to analyze the impact of short-circuit evaluation on execution semantics and to investigate common misconceptions among beginner programmers. To achieve this, a survey-based study was conducted with first-year computer science students. The results highlight a significant gap between the actual behavior of logical operators and students' understanding of evaluation strategies.

To guide this investigation, the study addresses the following research questions:

RQ1: Do novice programmers correctly understand the evaluation behavior of logical expressions involving short-circuit evaluation?

RQ2: How do misconceptions about evaluation order affect students' reasoning about expressions that include side effects?

The contributions of this paper are twofold: (1) to provide a clear analysis of short-circuit evaluation and its effect on execution semantics, and (2) to empirically identify common misconceptions among novice programmers.

The remainder of this paper is organized as follows. Section II introduces the concept of short-circuit evaluation. Section III presents illustrative examples demonstrating its impact on execution flow. Section IV describes the survey methodology, Section V presents the results and analysis, Section VI discusses the findings, and Section VII concludes the paper.

2. Short-Circuit Evaluation

Short-circuit evaluation is an evaluation strategy used in logical expressions, where the second operand is evaluated only if necessary to determine the final result of the expression. This behavior is commonly implemented in programming languages for logical operators such as AND (&&) and OR (||) (Kernighan & Ritchie, 1988; Ritchie, 1993).

In logical AND (&&) expressions, evaluation terminates as soon as one operand evaluates to false, since the overall result of the expression cannot be true. Consequently, any subsequent conditions are not evaluated. Conversely, in logical OR (||) expressions, evaluation terminates as soon as one operand evaluates to true, as the final result is already determined, and the remaining conditions are skipped.

This behavior is consistent with the truth tables of logical operators and reflects a direct application of Boolean logic. In this context, non-zero values are interpreted as true, whereas a value of zero is interpreted as false (Kernighan & Ritchie, 1988).

Short-circuit evaluation not only improves computational efficiency by avoiding unnecessary evaluations, but also plays a critical role in determining program behavior. In particular, it affects expressions that include side effects, where skipped evaluations may prevent expected changes in program state.
Understanding this mechanism is essential for accurately reasoning about program execution and avoiding logical errors in conditional statements. Similar conceptual difficulties related to program execution and evaluation semantics have been reported in studies of novice programmers (Robins et al., 2003; Sorva, 2013; Jenkins, 2002).
Short-circuit evaluation is not merely an optimization technique, but a fundamental aspect of execution semantics that directly influences program behavior.

3. Execution Flow and Skipped Expressions

Short-circuit evaluation directly affects the execution flow of a program by preventing unnecessary evaluation of expressions. When the result of a logical expression can be determined early, subsequent conditions are not executed.
Logical operators such as AND (&&) and OR (||) employ short-circuit evaluation. In logical AND (&&) expressions, evaluation terminates as soon as one operand evaluates to false, and any subsequent conditions are not evaluated. Conversely, in logical OR (||) expressions, evaluation terminates as soon as one operand evaluates to true, and the remaining conditions are skipped. This behavior ensures that logical expressions are evaluated efficiently while directly influencing execution semantics (Kernighan & Ritchie, 1988; Ritchie, 1993).
The following examples illustrate how short-circuit evaluation affects program execution and expressions that include side effects. As shown in Fig. 1, in logical AND expressions, the second operand is evaluated only when the first condition evaluates to true.

Logical AND (&&)		
a	b	a&&b
1	1	1
1	0	0
0	1	0
0	0	0

Truth Table

```
//Example 1a. Logical AND (&&).
#include<stdio.h>
int main()
{
    int a=7,b=5,c;
    c = (a<b) && (a--);
    printf("Value of c=%d.\n",c);
    printf("Value of a=%d.",a);
  return 0;
}
```

```
//Example 1b. Logical AND (&&).
#include<stdio.h>
int main()
{
    int a=7,b=5,c;
    c = (a>b) && (a--);
    printf("Value of c=%d.\n",c);
    printf("Value of a=%d.",a);
  return 0;
}
```

	Output: Value of c=0. Value of a=7.	*Output:* Value of c=1. Value of a=6.
	Explanation: The first condition (a < b) evaluates to false; therefore, the second operand (a--) is not evaluated due to short-circuit behavior, and the value of a remains unchanged.	*Explanation:* The first condition (a > b) evaluates to true; therefore, the second operand (a--) is evaluated, and the value of a is decremented.

Fig. 1: Short-circuit evaluation in logical AND (&&) expressions. The second operand is evaluated only if the first operand evaluates to true; otherwise, it is skipped. Source: Author

As illustrated in Fig. 2, in logical OR expressions, evaluation stops when the first condition is true, and the second operand is not evaluated.

Logical OR (||)		
a	b	a || b
1	0	1
1	1	1
0	1	1
0	0	0

Truth Table

```
//Example 2a. Logical OR (||).
#include<stdio.h>
int main()
{
    int a=7,b=5,c;
    c = (a<b) || (a--);
    printf("Value of c=%d.\
n",c);
    printf("Value of a=%d.",a);
  return 0;
}
```

Output:

Value of c=1.

Value of a=6.

```
//Example 2b. Logical OR (||).
#include<stdio.h>
int main()
{
    int a=7,b=5,c;
    c = (a>b) || (a--);
    printf("Value of c=%d.\n",c);
    printf("Value of a=%d.",a);
  return 0;
}
```

Output:

Value of c=1.

Value of a=7.

	Explanation: The first condition (a < b) evaluates to false; therefore, the second operand (a--) is evaluated, and the value of a is decremented.	*Explanation:* The first condition (a > b) evaluates to true; therefore, the second operand (a--) is not evaluated due to short-circuit behavior.

Fig. 2: Short-circuit evaluation in logical OR (||) expressions. The second operand is evaluated only if the first operand evaluates to false; otherwise, it is skipped.
Source: Author

These examples demonstrate that the second condition may not be executed even though it appears in the code. This behavior differs from the intuitive assumption of strictly sequential execution. Furthermore, the examples show that short-circuit evaluation not only improves computational efficiency but also directly influences program state by preventing the execution of side-effect expressions. Similar difficulties in reasoning about program execution have been reported in studies on debugging and program comprehension (Fitzgerald et al., 2008).

4. **Methodology**

To investigate how short-circuit evaluation is understood by novice programmers, a survey was conducted among first-year computer science students.
The questionnaire included both conceptual and code-based questions implemented in the C programming language. The questions were designed to assess whether students understand that not all conditions in logical expressions are always evaluated, particularly in the presence of side effects. Similar survey-based approaches have been widely used in programming education research to evaluate students' conceptual understanding of program behavior (Robins et al., 2003; Lahtinen et al., 2005; Ben-Ari, 2001).
The survey consisted of four questions: one conceptual question regarding evaluation behavior, two code-based questions involving logical AND (&&) and logical OR (||) operators, and one question related to side effects. These questions were designed to evaluate both conceptual understanding and practical reasoning about short-circuit evaluation, as shown in Table 1.

Table 1. Survey questions used to evaluate students' understanding of short-circuit evaluation.
Source: Author

Question	Description	Options
Q1-Misconception	All conditions in a logical expression are always evaluated?	a) Agree b) Disagree

Q2-Logical AND (&&)	What will be the values of c and a after execution in example 1a?	a) c=1, a=6 b) c=0, a=7 (correct answer) c) c=0, a=Undefined
Q3-Logical OR (||)	What will be the value of c and a after execution in example 2b?	a) c=1, a=6 b) c=1, a=7 (correct answer) c) c=0, a=Undefined
Q4- Side Effects	If an expression with a side effect (e.g., a++) is not evaluated due to short-circuit behavior, what happens?	a) It is still executed b) It is skipped completely (correct answer) c) It partially executes

A total of 153 students participated in the study. The survey was administered during a regular programming laboratory session, where students completed the questionnaire individually without external assistance. Responses were collected anonymously.
The collected data were analyzed quantitatively by calculating the percentage of correct and incorrect answers for each question. This analysis enabled the identification of common misconceptions related to logical expression evaluation and short-circuits behavior.

5. **Results and Analysis**

The results of the survey reveal a significant misunderstanding of short-circuit evaluation among participants. As shown in Table 2 and Fig. 3, The results show that approximately 85% of students incorrectly assumed that all conditions in a logical expression are always evaluated, revealing a widespread misconception regarding short-circuit evaluation.

Table 2. Percentage of correct and incorrect responses in the student survey.
Source: Author

Question	Correct Answer (%)	Incorrect Answer (%)
Q1-Misconception	15%	85%
Q2-Logical AND (&&)	30%	70%
Q3-Logical OR (||)	35%	65%
Q4- Side Effects	25%	75%

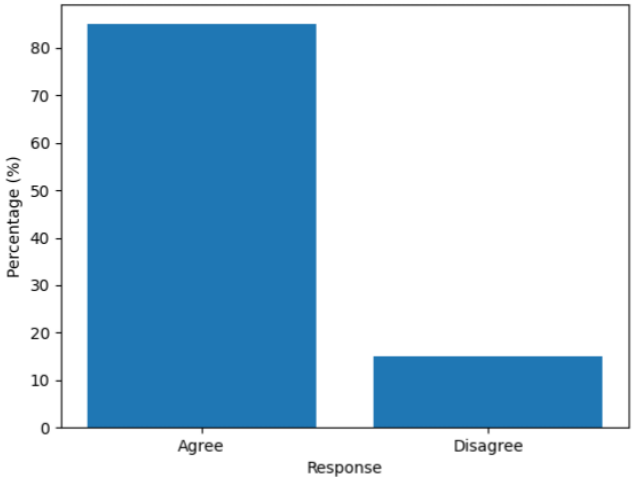

Fig. 3. Student responses regarding whether all conditions in a logical expression are always evaluated. Source: Author

As illustrated in Fig. 4, incorrect responses were consistently high across all survey questions. The highest error rate (85%) was observed in the conceptual question (Q1), indicating a strong misunderstanding of short-circuits evaluation.

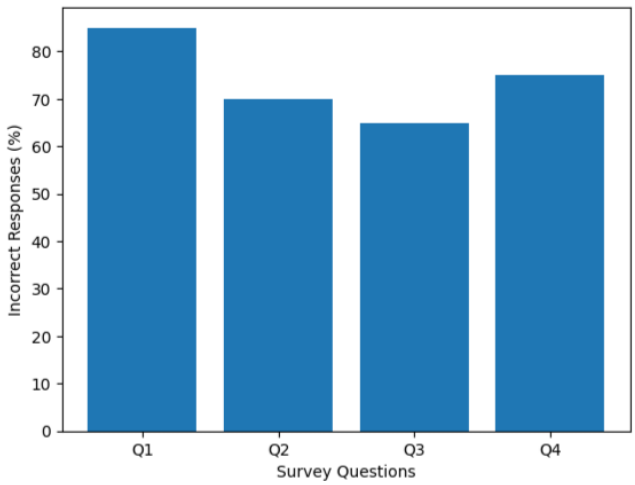

Fig. 4. Percentage of incorrect responses across survey questions. Source: Author

These findings directly address RQ1, indicating that most students do not correctly understand short-circuit evaluation.

The misconception was also reflected in responses to the code-based questions. A large proportion of students expected that expressions containing side effects, such as increment operations, would always be executed regardless of the outcome of the first

condition. This observation addresses RQ2, demonstrating that incorrect assumptions about evaluation order lead to flawed reasoning about program behavior.
Overall, the results suggest that students tend to rely on an incorrect sequential model of execution, assuming that all parts of a logical expression are evaluated in order, rather than recognizing the conditional evaluation behavior of logical operators.

6. **Discussion**

The findings of this study indicate that short-circuit evaluation is not an intuitive concept for novice programmers. The high rate of incorrect responses observed in the survey suggests that many students develop an inaccurate mental model of how logical expressions are evaluated during program execution.
These findings are consistent with previous research in computer science education, which highlights the conceptual difficulties faced by novice programmers when reasoning about program execution and evaluation behavior (Robins et al., 2003; Lister et al., 2004; Fincher & Petre, 2004).
One important observation is that students tend to assume that all parts of a logical expression are evaluated sequentially. This assumption leads to incorrect predictions about program behavior, particularly in cases where the evaluation of expressions is conditionally skipped due to short-circuit evaluation.
The misunderstanding becomes more evident when logical expressions include side effects. Many participants expected operations such as increment expressions to be executed regardless of the result of the first condition. However, as demonstrated in the examples presented earlier, short-circuit evaluation may prevent these operations from being executed, thereby directly affecting the program state.
These results suggest that the difficulty lies not only in the syntax of logical operators but also in the conceptual understanding of execution semantics. Students often focus on the structure of the expression rather than on the evaluation strategy used by the programming language.
From an educational perspective, these findings highlight the need for clearer instructional approaches when teaching logical expressions and conditional evaluation. Providing practical examples, visual representations, and interactive exercises may help students develop a more accurate understanding of how short-circuit evaluation works in practice.
Although the study provides useful insights into students' understanding of short-circuit evaluation, it is limited to participants from a single institution. Future studies could include students from multiple universities and students with different programming backgrounds in order to provide a broader perspective on how this concept is understood by novice programmers.

7. **Conclusion**

Short-circuit evaluation is a fundamental mechanism in logical expressions that directly influences program execution and behavior. Understanding how logical operators control the evaluation of conditions is essential for writing correct and

efficient programs.

The results of this study reveal that many novice programmers hold incorrect assumptions about evaluation order. In particular, the survey showed that approximately 85% of students believed that all conditions in a logical expression are always evaluated, indicating a strong misconception regarding short-circuit evaluation.

These findings suggest that students often rely on an incorrect sequential model of program execution, which leads to misunderstandings when logical expressions include side effects. As a result, students may incorrectly predict program behavior and overlook how evaluation strategies affect the program state.

From an educational perspective, the results highlight the importance of explicitly teaching short-circuits evaluation in introductory programming courses. Using practical examples, visual explanations, and exercises that emphasize execution flow may help students develop a more accurate understanding of evaluation semantics.

Future work may explore additional teaching strategies and tools aimed at improving students' comprehension of logical expression evaluation and execution behavior in programming languages. Such efforts may help students develop more accurate mental models of program execution and better understand how evaluation strategies influence program behavior.

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Emancipation and War: The Anti-Fascist Resistance in the Trajectory of Albanian Women's History

PhD (C.) Anelmo Spahija
University of Shkodër, Albania

Abstract

This paper explores the place of the anti-fascist resistance in the historical trajectory of Albanian women's emancipation. It examines the Second World War as a period in which women's participation in political and military struggle acquired particular historical importance, both because of its scale and because of its impact on gender relations within Albanian society. Rather than treating women only as supporters of the national cause, the study focuses on their role as active participants in a broader process of social and political transformation. The paper analyzes the different forms of women's involvement in the anti-fascist movement, including partisan fighting, clandestine activity, political organization, and logistical support. Attention is given to the ways in which wartime mobilization opened new spaces of action for women beyond the confines of family and traditional patriarchal structures. In this context, participation in the resistance is examined not only as a military contribution, but also as an experience that altered women's public visibility and expanded their presence in collective and political life. At the same time, the study considers the relationship between this wartime experience and the postwar construction of official narratives on emancipation. It addresses how women's contribution to the resistance was incorporated into the political discourse of the socialist state and represented as part of a broader project of social transformation. By placing the anti-fascist struggle within the longer history of Albanian women, the paper aims to investigate the connections between prewar social conditions, wartime mobilization, and the changing representations of women's role in society during the first decades of the postwar period.

Keywords: Emancipation, War, Anti-Fascist Resistance, Albanian Women's History.

Introduction

The basic structural factors behind the social transformations and the ideological–cultural superstructural changes that emerged in the modern and contemporary eras, and which are connected to the social and political emancipation of women, may be considered to consist of two major elements: first, economic and technological transformations; and second, the political and cultural hegemony exercised by the nation-state over civil society.

The penetration of capitalist relations and the Industrial Revolution detached production from the individual/family level (the artisan's workshop, the peasant's small plot of land, etc.) and relocated it to the social level (the factory, the industrial combine, the agricultural enterprise, etc.). The socialization of production and subsequent technological advances were followed by the creation and development of new social strata (the bourgeoisie, large and medium entrepreneurs, the middle class, the working class), as well as by urbanization (the concentration of the working class around factories and plants, the creation of new cities, and migration from rural areas

as a result of new methods of agricultural exploitation through land privatization and parcelization). These new modes of production and forms of labor organization themselves imposed further changes in social relations[1]. Within this framework also falls the social emancipation of women, whose social contribution increased under the new socio-economic transformations. Whereas in traditional agrarian societies the productive capacity and labor of women functioned primarily within the framework of the extended patriarchal family, beginning in the early modern period and especially with the Industrial Revolution, women became an important part of the workforce in factories, plants, and workshops. They were also increasingly integrated into the middle class, particularly among intellectuals and liberal professionals, thus becoming one of the principal social factors of the transformations associated with modernity[2].

The other factor that influenced social and gender emancipation is the political and cultural hegemony represented and exercised by the nation-state over civil society. The processes of formation and expansion of the nation-state in Western Europe and North America proceeded almost in parallel with the penetration of modernity, capitalist relations, and the socio-economic developments accompanying industrialization. These factors enabled the modern state to increase its influence in society through the strengthening and expansion of its institutions, including administrative ones (the extension of the competencies of state administration into the provinces, etc.) and coercive ones (the army, the gendarmerie, and other institutions responsible for maintaining order), as well as institutions of an educational and cultural character, which in general pursue three aims: the dissemination of national identity among the population as the principal form of the cultural hegemony of the nation-state; the professional and cultural formation of individuals for their integration into civil society, into the ranks of expanding state institutions, and into the demands imposed by the market (private industrial and agricultural enterprises, the managerial requirements of corporations, etc.) for professionals in various fields[3]. These measures undertaken by the modern state further encouraged the inclusion of women in society. Beginning generally in the nineteenth century, women were increasingly incorporated into state institutions, especially those of an educational and cultural nature. The development of education and the expansion of service sectors further contributed to the social emancipation of women, to the increase of their social weight, and also to the growth of women's demands not only for greater rights in social relations and within the traditional family, but also for organization and political rights.

In addition to the basic factors related to structures and superstructures[4], there

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[1] E.J. Hobsbawm, *Industrialisation and Empire*, Weidenfeld and Nicolson, London, 1968, 66-75.

[2] Luoise Tilly & Joan W. Scott, *Women, Work & Family*, Routledge, New York, 1978, 71-82.

[3] E.J. Hobsbawm, *Kombet dhe nacionalizmi që nga 1780*, Toena & Fondacioni Soros, Tiranë, 1996, 9-13.

[4] **Note (author):** Eduard Bernstein, Rosa Luxemburg, and Vladimir Lenin, despite their differing perspectives, contributed to demonstrating the limitations of the philosophical system of orthodox Marxism concerning the relationship between structure and superstructure. Bernstein highlighted the possibility of democratic and emancipatory developments through reforms within the existing socio-economic structure of his time. Rosa Luxemburg made a significant theoretical contribution regarding the impossibility of uniform development in colonized countries and those subjected to imperialism. Luxemburg specifically pointed out how developed states, in many cases, deliberately

also exists a third factor that may be classified as "voluntarist," which functions in interaction with the first two factors, especially in cases when expectations for social developments are not fulfilled, or when economic developments do not correspond with social and political ones. In such situations, certain sectors of civil society openly express their opposition and demands until they succeed in imposing their full or partial realization upon society and the state. In the case of our study, this role is played by the intersection and convergence of the agitation of middle-class intellectuals, the labor movement, and women's rights movements.

Thus, the above-mentioned theoretical paradigm of developments in the Western world does not materialize at the same pace or with the same characteristics in all societies. Due to factors originating in rigid socio-economic structures and in the preceding political order, in Eastern Europe and further in Asian societies, the aforementioned processes began with delay and developed at slow rates imposed by the resistance of pre-industrial political and social structures and by their efforts to preserve their positions within the new system. On the other hand, the nation-states established in these countries in many cases did not possess the authority to confront the old elite and to undertake radical socio-economic transformations. Therefore, the voluntarist factor of organizing social movements from civil society plays an important role. One of these movements that held particular significance in the movement for women's emancipation was the anti-fascist resistance.

Structural and Conceptual Difficulties for the Emancipation of Albanian Women during the Period of Independence (1912-1939). The Successes and Failures of "Emancipation from Above"

The above categorization also includes Albanian society at the beginning of the twentieth century, in which traditional structures of pre-modern social organization and hierarchy continued to dominate. Elements of capitalist relations began to penetrate in the second half of the nineteenth century, while elements of industrialization were at a low stage of development. The educational and cultural level of the popular masses was low. In this regard, the policies pursued by the governments in Istanbul also had an impact, as they did not favor domestic production and likewise hindered the spread of Albanian-language schools.

As a consequence, the position of Albanian women was entirely subordinated to the traditional patriarchal family. Law and social morality were determined by the

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maintained such countries in a condition of underdevelopment in order to exploit their raw material resources, dispose of surplus production, and impose determinate economic sectors to be developed or left undeveloped (the so-called "banana republics"), among other mechanisms.

Lenin, through his political activity in leading the Russian Revolution, demonstrated that the victory of the revolution required not only structural transformations and the "spontaneous action of the masses," but also a voluntarist impetus provided by the "vanguard of the proletariat" (the "professional revolutionaries," the Party). The Revolution in Russia demonstrated the triumph of a socialist revolution in a country where capitalism had not developed to its full potential and characteristics, and where remnants of traditional society still persisted. This stood in contrast to the orthodox Marxists of the European social democracies—such as August Bebel, Karl Kautsky, and Jean Jaurès—who had predicted that the conditions for socialist revolution would first mature in advanced capitalist countries such as Britain, France, and Germany.

customary law of particular regions, as well as by the religious norms of Sharia and ecclesiastical canons[5]. Women's rights within the family and in society were almost nonexistent in the face of the absolute authority of the patriarch—whether father or husband—to rule within the household. This was evident at several levels. Parental rights over children were entirely patriarchal. Girls did not have the right to choose their partners for engagement and marriage, as these were determined by the family through matchmaking. In some regions of the country, the practice of arranging marriage promises for children while still in the cradle continued to exist. In marital relations, the wife was expected to show absolute obedience to her husband. In customary law, in cases of adultery, punishments were prescribed only for the woman. The right to divorce was recognized, with restrictions, only for the man. Inequality in traditional society was also evident in property and ownership rights. Property was considered to belong to the husband. The woman had only the right to use and administer it. Daughters were excluded from property rights and from inheritance. In the definition of marriage found in customary norms, the woman's function was emphasized as "a labor force" and "for the increase of children." Political rights were not even considered. Women were not permitted to participate in general assemblies or in the councils of men[6].

With the territorial consolidation and the temporary political stabilization of the Albanian state—something that was not achieved until the early 1920s—the conditions were created for the emergence of movements aimed at the emancipation of Albanian women. Albanian patriots and the Albanian political class, despite holding differing positions regarding methods and timeframes, shared such an objective. Ali Këlcyra, otherwise known as the "Red Bey" due to his support for social democratic views during this period, stated during the electoral campaign of March 1921 that one of the main points of his political group's program was "to defend the rights of women and peasants," who constituted the most oppressed elements of social life in Albania. Efforts to bring the women's question before the Albanian Parliament were supported by opposition forces represented by Këlcyra, Fan Noli, Luigj Gurakuqi, Bedri Pejani, Stavro Vinjau, etc[7]. Attempts to adopt a civil code were not realized due

[5] Fatmira Musaj, *Gruaja në Shqipëri në vitet 1912-1939*, Akademia e Shkencave e Shqipërisë, Tiranë, 2002, 21-26.

[6] **Note (author):** It has often been emphasized that customary law and religious norms addressed issues concerning the protection of women, the honoring of women as mothers and sisters, the protection of widows, etc. This has had as its antithesis the theoretical elaboration that precisely such patrimonial care and protection were in themselves part of the ideological apparatuses and elements of the symbolic power of traditional society, serving to define the position of women within the family and society in function of the cultural reproduction of pre-modern structures of patriarchal authority and the existing social order.

For further reference: Pierre Bourdieu, *Masculine Domination*, Stanford University Press, Stanford, 2001, pp. 33–41;

On cultural reproduction and symbolic violence: Pierre Bourdieu & Jean-Claude Passeron, *Reproduction in Education, Society and Culture*, Sage Publications, London, 1990.

[7] The representatives of the democratic opposition opposed the draft law for the December 1923 elections, which entirely excluded women from the right to vote. Fan Noli considered the draft law to be anti-democratic. Observing the majority's insistence on not withdrawing it, Ali Këlcyra proposed that an article be added to the draft law whereby women who were literate would be granted

to the prevailing conservatism of the country's political elite, as well as the political instability that engulfed the country in the years 1922–1924.

During the years 1921–1924, efforts were made to expand Albanian-language education and to establish girls' schools. In October 1922, the private "Qiriazi Institute" was opened in Kamëz, directed by the Qiriazi sisters, with the aim of providing educational opportunities to girls from all regions of Albania. Other girls' schools were opened in Durrës, Gjirokastër, and Shkodër, while in Korçë a third girls' school was established. The first women's organization in Albania was "Ylli i Mëngjesit," founded by the Qiriazi sisters[8]. Their example was followed by intellectuals, mainly teachers and civil servants, in the cities of Shkodër, Tirana, Elbasan, Gjirokastër, etc. Nevertheless, these initiatives did not achieve mass dissemination and were dissolved after the defeat of the June Revolution[9] of 1924.

Further steps toward achieving the "social emancipation" of Albanian women from above were undertaken during the period of the monarchy, within the framework of the consolidation of the nation-state and the political will of the country's intellectual stratum, supported—depending on political circumstances—also by King Zog I. These included several political and legal initiatives, such as the Civil Code of 1929, the Educational Reform of 1933, the laws on the removal of the veil and other traditional costumes, as well as state support for the establishment of women's associations (with the limitation that they should not directly oppose royal authority).

The Civil Code entered into force several months after the proclamation of the monarchy, in April 1929. It marked progress in matters of engagement, marriage, the rights of the wife, the right to divorce, and inheritance rights. With regard to marriage and engagement, it was stipulated that the free consent of the parties was an indispensable condition; the girl was granted the right to oppose an unwanted marriage[10]. The minimum age for a girl's marriage could not be lower than sixteen years. However, the Code regarded marriage not only as a union between two individuals, but between two families, two "parties." If one party refused the engagement "without reason," it was obliged to provide compensation to the other party. A progressive step was the official outlawing of polygamy: "A marriage may not be contracted before the dissolution of a previous one." The celebration of marriages was made obligatory to take place "before the state official," whereas previously it had been the exclusive prerogative of religious institutions. One of the achievements of the Civil Code was the sanctioning of the right to divorce. Either spouse could request the dissolution of the marriage[11]. Full equality in inheritance rights was also established.

Even during the period of the monarchy, education was for the most part conducted in separate schools and classes for boys and girls. The Educational Reform of 1933 enabled the expansion of female education in the country through the opening of several schools in the main cities. In October 1933, the female institute "Nana

the right to vote; however, this proposal was also rejected by the majority. (Fatmira Musaj, 69–75).

[8] Fatmira Musaj & Beryl Nicholson, Women Activistis in *Albania following independence and World War I*, 180 https://www.academia.edu/26503252/Women_Activists_In_Albania_Following_Independence_And_World_War_I

[9] Musaj, Gruaja shqiptare,113-116.

[10] Mbretnia Shqiptare, Ministria e Drejtesis, *Kodi Civil 1929*, Papirus, Tiranë, 2010. Neni 120-121.

[11] Kaptina XI. "Çkurorëzimet". Nenet 203-210.

Mbretëreshë" was opened in Tirana, where the students of private schools that had been closed as a result of the educational reform were enrolled[12]. The concentration of female "normal" secondary education in a single school in the capital was significant for improving the content of curricula and the quality of teaching, as the most qualified teaching staff in the country were gathered there.

Other forms of state intervention included the creation of the organization "Gruaja Shqiptare," which was subordinate to state authorities and directed by Sanije Zogu, the sister of King Zog I. The organization established branches in the main cities of the country and promoted the implementation of the Civil Code, supported state policies such as the "law on the removal of the veil," etc. The organization generally remained limited in membership, and its activity was interrupted during the years 1933–1936. The "law on the removal of the veil" (March 1937) was a measure undertaken by the state with the support of the Muslim Community, with the aim of emancipating women in Albania[13]. While today such a law would constitute a violation of human rights, in Albania during this period—when patriarchalism and conservative traditionalism predominated—the veil was regarded as an element of women's oppression. The removal of the veil was rigorously implemented throughout the country as a consequence of state enforcement.

Nevertheless, the overwhelming majority of Albanian women did not experience substantial changes in their lives. The provisions of the Civil Code were applied primarily in the country's urban areas, whereas in villages and remote regions the implementation of the laws was not always possible, despite their significant limitations, which were linked to the general backwardness of Albanian society and to the conservatism of the political class of this period. With regard to engagement, the law imposed no restrictions, thus not preventing betrothals in the cradle[14]. A boy and a girl who had not reached the age of twenty could not contract marriage without parental consent[15]. The Code nonetheless retained certain limitations in marital relations by legally sanctioning that "the husband is the head of the family" and that, in order to exercise a profession or engage in industry, the wife had to obtain the husband's consent[16]. The female institute established in the capital, given the country's socio-economic conditions, was not accessible to all girls. It was attended predominantly by girls from the middle class. In particular, girls in rural areas of Albania—where the majority of the population resided—remained almost entirely uneducated. Illiteracy among Albanian women reached 92%[17].

Moreover, it may be argued that in Albania during the interwar period the primary conditions mentioned above for the emancipation of Albanian women were not

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[12] Ezmeralda Xheraj, *Çështje të pabarazisë gjinore në vitet 1920-1967*, disertacion per marrjen e grades shkencore "Doktor i Shkencave", Universiteti Evropian i Tiranës, 2016, 66-68. https://uet.edu.al/wp-content/uploads/2019/09/Ezmeralda_Xheraj.pdf

[13] Fatmira Musaj, 314-315.

[14] Civil Code, Article 114**:** "…Engagement does not bind the betrothed minor or person under guardianship, except when he or she has reached the required age for marriage and has obtained the consent of his or her legal representative."

[15] Article 128

[16] Article 188: *"Burri asht kreu i familjes…"*. Neni 191: "*Gruaja ka kapacitetin civil të plotë. Por për me ushtrue nji profesion ose nji industri duhet të marrë pëlqimin e burrit…"*

[17] Ezmeralda Xheraj, 78

fulfilled. The absence of socio-economic transformations (marked inequality, poverty in various regions of the country, the failure of agrarian reform, backward agriculture, low industrial development, etc.) constituted the principal obstacle to the implementation of reforms. The other factor—state intervention aimed at reforming society and, in this case, influencing the emancipation of Albanian women—despite having its impact, did not become decisive. State authority in Albania, although consolidated, had not attained the degree of political and cultural hegemony necessary to impose itself across all levels of Albanian society. Furthermore, in order to preserve its power, the monarchical regime found it necessary to rely on social strata that were interested in maintaining the social status quo in the country. The measures undertaken "from above" for the emancipation of Albanian women created a legal foundation and a general formal spirit for the path the country was to follow toward modernity, but they did not succeed in producing structural transformations within Albanian society.

Finally, it should be emphasized that, although the reforms did not affect society in its entirety, their impact—especially that of the educational measures—extended to the educated youth (the pupils and students of the "Nana Mbretëreshë" Institute, civil servants, female teachers, etc.), who, disappointed by the political elite and society in general, would be ready to join the anti-fascist resistance, seeing in it not only a movement for national liberation and the expulsion of the occupier, but also a vehicle for undertaking democratic reforms aimed at the emancipation of Albanian women.

Anti-Fascism as an Emancipatory Space for Albanian Women

The occupation of Albania by Fascist Italy put an end to efforts toward social emancipation within the institutional framework of the Albanian monarchy. Reforms aimed at improving legislation, opening women's organizations under state direction, and reducing socio-economic inequalities through agrarian and educational reform failed to achieve broad impact in society. The population remained largely illiterate, the country had only six gymnasiums, and in rural areas the influence of education and the implementation of the Civil Code were weak.

Nevertheless, the opening and expansion of educational and administrative institutions in the main urban centers contributed to the formation of a social grouping that became increasingly critical of the monarchical regime for the slow pace of reforms and of the old political-social elite in general. This social grouping consisted of middle-class intellectuals, jurists, teachers, civil servants, and students of the country's principal gymnasiums and lyceums. Within this grouping were also women, mainly from the country's middle class, who had benefited from the limited reforms undertaken by the monarchy, integrating primarily into the ranks of female teachers and students in girls' schools, among which the "Instituti Nëna Mbretëreshë played a central role, given its significance as the most advanced female school in the country. After the establishment of the occupation regime, this institute was renamed "Donika Kastrioti." Within it, democratic, communist, and anti-fascist ideas spread among students and teachers. Prohibited literature circulated, secret discussions were held, and from time to time conspiracies were organized to rebel against the authorities and to participate in demonstrations. From these social elements had also emerged the principal forms of resistance and criticism toward the monarchical

regime in the form of clandestine organizations, communist groups, as well as liberal elements within the political class of the time[18]. The occupation of the country and the stance of the Albanian political class—which lost no time in aligning "en bloc" with the occupier[19]—further radicalized these social elements, pushing them more decisively toward anti-fascism as a threefold form of struggle: against the occupying power; against a political class now largely discredited through collaboration; and for social emancipation, which anti-fascism inherently encompassed.

In its characteristic opposition to modernity[20], fascism entailed a "return to the roots," including the restoration of patriarchal authority within the family. The emancipation of women and their participation in the productive and intellectual life of society were regarded as degenerations of modernity, brought about by Enlightenment, liberalism, and socialism. Fascism propagated the "return of women to the home," to their roles in household maintenance. The Fascist regime in Italy and the Nazi regime in Germany promoted the image of the "fertile woman," in service of fulfilling duties related to national expansion and racial purity. The concept of the fertile and submissive woman became one of the central elements of social Darwinism, according to which inferior races were destined to disappear[21].

Anti-fascism, which encompassed within itself a range of political orientations (social democratic, communist, liberal, etc.), precisely in its opposition to fascism became enriched with values and concepts that transformed it into an emancipatory space, one that was joined to the struggle against the occupier and to hopes for social justice after the end of the war. In contrast to the propaganda of the "housewife" and the "fertile woman," anti-fascism incorporated into its political discourse and action the figure of the woman who, through her intellectual and productive activity, plays an active role in society and in the social transformations of modernity. Anti-fascism thus became an important political instrument in the struggle for the social emancipation of women.

Such a role would also be played by anti-fascism and the anti-fascist resistance for Albanian women and girls. In the years 1939–1941, resistance to the fascist occupier appeared in sporadic and spontaneous forms, mainly among the educated youth, who from time to time undertook initiatives in demonstrations and individual actions. There did not exist in the country an organized and engaged political structure committed to fighting the occupation regime. The only organization created in November 1941 that openly undertook this initiative was the Partia Komuniste Shqiptare. Following the directives of the Communist International, the PKSH proclaimed uncompromising war against the occupiers and promised measures for a democratic Albania after liberation. Albanian women and girls—primarily from the aforementioned social groupings, but also from other social strata (especially young working-class and peasant women) who felt isolated within the traditional patriarchal society and who

[18] Shënim (aut): lufta mes "të vjetërve" e "të rinjve" që përfundoi me dorëheqjen e qeverisë liberale të Mehdi Frashërit.

19 Akademia e Shkencave, Historia e Popullit Shqiptar IV, Toena, Tiranë, 2009, 24-26. One third of the National Assembly convened by Victor Emmanuel III on 12 April 1939 had been deputies of the Albanian Parliament only a few months earlier.

[20] Pierre Milza, Historia e Italisë, Dituria, Tiranë, 2012, 782-783.

[21] Victoria de Grazia, *How fascism ruled Women (1922-1945*), University of California Press, 1993, 2-18.

wished to contribute to the anti-fascist struggle—became actively involved in the anti-fascist struggle, which the PKSH directed by following the tactic of the Front. The Anti-Fascist Fronts created by Communist Parties, mainly in the countries of Eastern Europe, aimed to unite in a single front—led by the Communist Party—even non-communist elements willing to oppose fascism and the occupation regime[22]. Thus, many women and girls who may not have held communist views joined around the anti-fascist front. The majority of the members of the Anti-Fascist Front were not members of the PKSH. Finally, the very political discourse and ideological worldview articulated by the Communist Party and by leftist ideas in general regarding the liberation and emancipation of women[23]—as part of the "struggle for national and social liberation"—constituted a further impetus for the engagement of Albanian women in youth organizations, in the women's organization, in the councils of the Front, and in the partisan ranks.

Albanian Women in the Anti-Fascist Resistance: From Emancipatory Ideals to the Concrete Experience of Resistance

Albanian women participated in the resistance against the Nazi-fascist occupiers in different forms and to varying degrees. Women with educational and intellectual backgrounds, formed mainly in urban areas, became politically involved in the establishment and strengthening of the National Liberation Front, in cells, regional committees, and even in the highest ranks of the Partia Komuniste Shqiptare. An important role, with reciprocal impact on both the expansion of the Anti-Fascist Front and the PKSH, as well as on the broader inclusion of women in the resistance movement, was played by the mass organizations: the Anti-Fascist Youth Organization and the Anti-Fascist Women's Organization, created in September 1943. Even within the military formations, in 13 partisan brigades around 100 women and girls served as youth, battalion, and company leaders, and more than 47 of them held positions as political commissars or deputy commissars at battalion and company level. In several assault brigades, such as the III, V, XX, and XVIII Brigades, women and girls in responsible positions accounted for more than 30% of their number.
Among the figures who most clearly represent this aspect are several former students of the "Nana Mbretëreshë" Institute and other secondary schools of the time, who contributed decisively to the anti-fascist movement. Liri Belishova came from a family of intellectuals and civil servants with contributions to the War of Vlora (1920). After participating in anti-fascist demonstrations, she was expelled from school. She played an important role in organizing the Anti-Fascist Youth. She was wounded during the demonstration of 28 July 1943 and was briefly arrested in June 1944[24]. Liri Gega came from a family of intellectuals; her father had been mayor of Gjirokastër. She had been first a student and later a teacher at the female institute in the capital. Owing to her intellectual and political abilities, she rose to the highest decision-making bodies of the PKSH and the National Liberation Movement, as a member of the Political Bureau

[22] Kristo Frashëri, *Historia e Lëvizjes së Majtë në Shqipëri dhe e themelimit të PKSH*, ASHSH, Tiranë, 2006, 242-248.
[23] Geoff Elley, *Forging Democracy: The history of the Left in Europe (1850-2000)*, Oxford University Press, 2002, 22-23; 188-195.
[24] Bashkim Shehu, Liri Belishova dhe koha e saj, UETPRESS, Tiranë, 2020, 24-28.

and of the General Staff of the Army. It should be noted that during the war Gega also distinguished herself for excessive zeal in eliminating political opponents of the PKSH leadership.

Among the intellectual women who made an important contribution to the anti-fascist resistance was Ollga Plumbi. She stands out from the above cases in that her role was not only political and military within the leading organs of the Front, but also educational and cultural, becoming an important voice in shaping anti-fascist consciousness and social emancipation through teaching and journalism—activities she had undertaken even before the outbreak of the war. Her feminist thought is evident in the critical journalism published at the end of the 1930s in the periodicals "Bota e Re" and "Përpjekja Shqiptare," where she contributed a number of articles addressing the condition of Albanian women in the face of patriarchal elements, the constraints of traditional society, and the need for change. She attached particular importance to women's education as an essential condition not only for their social advancement, but also for the improvement of family life[25]. She addressed the issue of women's contributions within the family and society, the extent to which these were valued, and the importance of recognizing women's rights in Albanian society. Beyond the need for education, she emphasized the necessity of "an education imbued with a spirit of justice regarding the condition of women in society."[26] In her writings she also focused on the issue of broken marriages, the abandonment of women without protection, and women's inability to react to injustices[27]. In other writings she highlighted the marked inequality within marriage. Although Albanian law had introduced a relative—albeit limited—equality in marriage, inequality remained factual and conceptual, grounded in old customary norms[28]. Ollga Plumbi was the first to raise in Albanian public discourse the issue of feminism and the organization of women for their rights.

Through her intellectual engagement, Ollga Plumbi may be regarded as representing in Albania a unique case of what, in Gramscian terms, is known as a "war of position," in which, in the face of social conservatism and state repression (the overthrow of the "Young" movement, the closure of liberal and progressive newspapers and journals after 1937), she sought to establish the space of moral and cultural discourse as a form of resistance against a system of oppression that, in various forms and at different levels, resisted reform.

Known as a progressive intellectual, Ollga Plumbi joined the anti-fascist resistance from its early stages without directly becoming a member of the Communist Party. She played an important role in mobilizing Albanian women in the anti-fascist struggle, conceived as a struggle for the liberation of Albania and as a promise of the emancipation of women's position in postwar Albania. From July 1943 she was among the leaders of the journal "Gruaja Shqiptare," where she wrote under the pseudonym "Zita." After the Conference of Labinot (September 1943), Ollga Plumbi was appointed to the leadership of the Anti-Fascist Women's Organization, which

[25] Bota e Re", nr. 20, 30 janar 1937. "Gruaja si amvisë, si bashkëshorte dhe si nënë", Ollga Plumbi, 3-4.

[26] "Bota e Re", nr. 17, dhjetor 1936. "Kush është fajtori", Ollga Plumbi, 1-2.

[27] "Bota e Re", nr. 16, 30 nëntor 1936. "Problemi i gruas pa mbrojtje", Ollga Plumbi, 6-7.

[28] "Përpjekja shqiptare", Viti II, Volumi III, nr. 13-24, 1938. "Dy fjalë rreth martesës", Ollga Plumbi, 351-353

she directed until 1946.
Other intellectual women involved in the ranks of the anti-fascist struggle included Safo Çelo Marko, one of the first Albanian women painters[29], and Dhora Leka, a teacher who joined the ranks of the Communist Party of Albania (CPA) and the National Liberation Army immediately after her graduation in 1942. She was among the first Albanian women composers, known for composing numerous partisan songs and later several operas on various themes. Many of these young women sacrificed not only their studies and diplomas, but also gave their lives while fighting in the partisan ranks, through participation in demonstrations, strikes, acts of sabotage, and other actions. Shejnaze Juka interrupted her studies in the capital and went underground in 1942, carrying out activity in Elbasan and later within the Çermenikë partisan battalion. It was precisely during the Winter Operation that she was killed in combat in Zdrajsh of Çermenikë on 20 December 1944. Because of her participation in anti-fascist demonstrations, Margarita Tutulani was expelled from the Female Institute and joined the anti-fascist ranks in 1942. She came from a well-known patriotic and intellectual family of Berat. Tutulani became part of the Regional Committee of Berat after the First National Conference in March 1943. Engaged as a family in the National Liberation Movement, together with her brother she drafted leaflets and materials for the movement and used the Haxhistasa pharmacy to supply partisans in the mountains. In the final months of the Italian occupation, when open warfare against the occupier was under way and repression intensified[30], Margarita Tutulani was arrested together with her brother in Berat and, on 6 July 1943, they were executed in the outskirts of Kavaja[31]. On 17 July 1944, after severe torture, Perseforni Kokëdhima (16 years old) and Bule Naipi (22 years old) were hanged in the central square of Gjirokastër, following arrests that succeeded the German operation of June.
What these women and girls had in common was that most of them belonged to the middle and lower-middle strata of society, composed of intellectuals, civil servants, teachers, and representatives of small urban enterprises. Having had the opportunity to enter the bureaucratic, educational, and cultural structures of the state, yet simultaneously confronted with a social reality that clashed with their intellectual and ethical formation, they proved ready to engage in the anti-fascist movement. For them, this movement represented not only the struggle for national liberation, but also a space for realizing hopes of social transformation and moral and civic emancipation. As the scale of the war expanded, an ever-increasing number of women became directly involved in guerrilla units, detachments, and later in the brigades of the National Liberation Army. Their participation was no longer confined to auxiliary roles, but included dangerous missions, the transport of weapons, espionage, and frontline battles. This process enabled the transformation of anti-fascism into a broad collective experience that encompassed different strata of Albanian women, from urban girls to rural women. In this context, collective actions—demonstrations, civic mobilizations, sabotage, and shared sacrifices—constitute one of the most significant expressions of the mass character of the struggle and of the role of women in the anti-fascist resistance. In the anti-fascist women's demonstration in Tirana on 17 September 1942, women of the capital protested for the release of their imprisoned

[29] Zenepe Dibra, 384.
[30] Paskal Milo, *Shqipëria gjatë Luftës I (1939-1943)*, Toena, Tiranë, 2014, 381-385; 404-411
[31] Zenepe Dibra, *Fjalor enciklopedik i gruas shqiptare*, Camaj-Pipa, Shkodër, 2009, 632-633

sons. The demonstration ended with gunfire from the gendarmerie. The incident resulted in the killing of Mine Peza[32], the first woman martyr to fall in the anti-fascist struggle. In April 1942, the women of Kavaja, covered with sheets and veils, joined men and youth in demonstrations demanding bread. In Elbasan, on 8 August 1942, many young women took part in the bread demonstration. One of the bloodiest demonstrations was that in the city of Korçë, where 59 people were killed and 93 others wounded, the majority of them women[33].

An important contribution was made by women during the German Winter Operation of 1943–1944, when the partisan army was attacked in almost all of its bases and the General Staff was isolated in the Çermenikë–Shëngjergj–Martanesh area[34]. Women were engaged in securing food, clothing, and shelter for the partisan units, becoming the principal link between the civilian population and the resistance forces. They participated in the rescue and transport of the wounded, in hiding war materials, and in maintaining communication between liberated zones. In many cases, entire villages were involved in this support, turning the resistance into a collective experience in which women played an irreplaceable role in the survival of the movement. This involvement, often carried out under extreme winter conditions and under the threat of German reprisals, represents one of the most significant moments of civilian solidarity and sacrifice during the National Liberation War.

One of the Albanian women who contributed to the war effort and was executed during this period was Qeriba Derri, who represents the aforementioned case of Albanian women's attraction toward leftist ideals and their further radicalization with the outbreak of the war. She had begun her political activism after fleeing to France in 1930, as the wife of a former officer who had escaped following the fall of the government of Fan Noli. In exile she became involved in the ranks of the National Liberation Committee, and in 1939 she returned to Albania, where she connected with the country's communist groups, going underground after the creation of the Partia Komuniste Shqiptare. Her house in Smokthinë served as a base for hiding partisans and underground activists. She encouraged and organized the mobilization of women in the anti-fascist struggle. In July 1943 she was responsible for the regional women's council in the liberated zone of Mesaplik. During the difficult months of the Winter Operation, she accompanied the wounded from Belanë to the partisan village of Poliçan in Gjirokastër. With her detachment she was highly active throughout the Mesaplik area in Kurvelesh and Labëria. With the intensification of repression by the occupying army and the collaborationist regime, as well as the increasing involvement of Ballist formations in this repression, her activity became ever more dangerous until she fell into the hands of a Ballist unit of Vlora in February 1944. They handed her over to the German command, which executed her in Vlora together with other partisans on 4 April[35].

The final months of the war also brought several symbolic victories for Albanian women. At the Congress of Përmet (24–28 May 1944), for the first time at a high-

[32] Zenepe Dibra, 502

[33] Prof. Asoc. Dr. Bernard Zotaj, *Gruaja shqiptare ka zënë vend në histori me përpjekjet e saj.* *https://telegraf.al/dosier/gruaja-shqiptare-ne-luften-partizane/ 4.11.2025*

[34] Bernd Fischer, Shqipëria gjatë luftës 1939-1945, Çabej, Tiranë, 2004, 259-260

[35] Prof. Asoc. Dr. Bernard Zotaj, *Qeriba Derri u pushkatua se bënte propagandë me grate*. https://telegraf.al/speciale/qeriba-derri-u-pushkatua-se-bente-propagande-me-grate/

level congress, women delegates of the Anti-Fascist Front—most of them non-party members—were in principle granted equal voting rights with men (although, with the increasingly centralized organization of the PKSH and its dominance over the Front, this right largely lost its real value). At the Meeting of the Anti-Fascist National Liberation Council in Berat (22–23 October 1944), the "Declaration on the Rights of the Citizen" was proclaimed, recognizing full equality in political and social rights for men and women[36]. Finally, on 4 November 1944, the First Congress of the Anti-Fascist Women was held in Berat. At this congress, the statute and program of the organization were approved; it would operate as part of the Democratic Front with the aim of involving women in the reconstruction of the country, in the struggle against illiteracy, poverty, and patriarchal customs. The main objectives of full gender equality and women's education were defined, and Ollga Plumbi was elected head of the governing council[37]. The December 1944 Congress sought to represent the culmination of women's participation in the National Liberation War and the establishment of the ideological and institutional foundations of their role in postwar society.

Contradictions of Emancipation: From Anti-Fascist Liberation to the Postwar Regime

The regime of the Communist Party of Albania, which was established after the end of the Second World War in Albania, placed the emancipation of women in Albanian society among its principal objectives and promises. This emancipation was to be achieved through the pervasive presence assumed by the socialist state and the party-state within society, as well as through initiatives aimed at modernizing the country. Within a few years, the CPA succeeded in establishing full control over all political, administrative, economic, educational, and cultural structures of the country. Never before in the history of Albania had there existed such an all-powerful Leviathan—if we employ Hobbesian terms—whether compared to the preceding monarchical regime or to the rule of empires over the centuries. This enabled it to undertake radical reforms that were implemented in an almost uniform manner across the entire territory of the country.

Measures for the development of education and the campaign of the "struggle against illiteracy" enabled tens of thousands of Albanian women to raise their cultural, educational, and professional level. These measures, accompanied by those undertaken by the regime for the country's socio-economic transformations—including rapid industrialization carried out solely through what may be termed the "state-bureaucratic machinery," agricultural transformation through collectivization according to the Stalinist model, urbanization, etc.—created the conditions for dismantling the traditional pre-modern structures of society and opened the way for the inclusion of Albanian women in all aspects of the country's economic, political, educational, and cultural life[38]. In addition to structural changes, the state and the

[36] Erind Mustafaraj, "Outside the walls of Abanian Patrarchy", Analize- journal of gender and feministi studies, 106. https://www.analize-journal.ro/wp-content/uploads/issues/numarul_9/9_6_erind_mustafaraj_102-115.pdf.

[37] Gruaja shqiptare në luftën antifashiste nacionalçlirimtare, 8 Nëntori, Tiranë, 1975, 3.

[38] Ezmeralda Xheraj, 131-134.

Party of Labour of Albania (PPSH) undertook an ideological and cultural campaign promoting the "emancipation of women in socialist society," which began immediately after the war during the initial phase of regime consolidation and reached its peak with the "struggle against backward customs" at the end of the 1960s.

These initiatives undertaken by the regime—also representing a form of "emancipation from above" under the new conditions of the "dictatorship of the proletariat"—would likewise reveal their limitations. The repressive system of the party-state and its attempt to impose full state control over all structures of society did not allow for the development of individual potential and indeed stifled it. Educated women integrated into the professional and intellectual strata were required to conduct their activity in conformity with ideological standards imposed by the party-state. Many of the women who had participated in the war and in the ranks of the PPSH, and who displayed deviations from the party line, were punished, interned, or executed, such as Liri Gega, Liri Belishova, and Dhora Leka. Other intellectual women, such as Musine Kokalari, Sabiha Kasimati, and Selfixhe Ciu, who attempted to oppose the regime, were punished in various ways, from internment to execution.

The system also failed in achieving the socio-economic transformations that would have constituted a fundamental condition for further progress in the emancipation of Albanian women. The economic measures undertaken at the initiative of the state (industrialization, collectivization, nationalization of the economy) produced significant transformations in Albanian society, but soon moved toward failure due to internal and external factors (the state's inability to sustain investment in heavy industry and advanced agriculture, reliance on Soviet and Chinese support, the country's isolation, etc.), but primarily as a consequence of the structural weaknesses of the state-socialist economic system itself, compounded by the particularly repressive character of Albanian communism. The state-bureaucratic machinery proved ineffective in managing all economic sectors and gradually failed to ensure growth in production—especially in basic foodstuffs and consumer goods—and their distribution to the population, ultimately leading to the collapse of the system. Under conditions of scarcity of essential products and general pauperization, the emancipatory and modernizing project also failed[39].

The burden of such a system fell primarily upon working women in both urban and rural areas. The latter, in particular, were compelled to work long hours in cooperatives fully owned by the state and increasingly inefficient, often being denied even hours and days of rest (which were transformed into days of "voluntary" labor, political education, and mass campaigns), frequently working without protection and under poor conditions[40]. To this were added the weight of domestic labor and family responsibilities, often intertwined with old traditional conventions that continued to persist, especially in rural areas where half of the population resided and where such burdens weighed heavily upon women. Although to a certain extent an improvement in women's social position was achieved, real equality in everyday life and within the family was not realized.

The realization of the ideals of the anti-fascist women remained a continuing challenge in post-dictatorial Albania, where a new and contradictory paradigm emerged: the

[39] Katherine Verdery, *What was Socialism and what comes next*, Princeton University Press, New Jersey, 1996, 20-23.

[40] Olsi Lelaj, Nën shenjën e modernitetit, Pika mbi Sipërfaqe, Tiranë, 2015, 151-155.

revival of traditional conceptions among broad sectors of the population—resulting from the decline of education, the rise of economic inequality, the destruction of the former economic structure, growing insecurity, and the re-emergence of clan and kinship solidarities—alongside new spaces for gender emancipation created by processes of democratization, the affirmation of human and individual rights, political freedoms, and the possibility of broader participation of women in society.

Conclusion

The involvement of Albanian women in the National Liberation War constitutes one of the most significant moments in the efforts toward women's emancipation. In a country where the position of women had for centuries been constrained by patriarchal structures, lack of education, and social isolation, their participation in the anti-fascist resistance marked a profound turning point in national and social consciousness. On the eve of the fascist occupation, despite the partial reforms of the monarchical period, Albanian women represented the most deprived stratum of the population in terms of educational, political, and economic opportunities. The occupation and the subsequent organization of resistance created, for the first time, a real space for women's intervention in the public sphere, involving them in political, logistical, and military activities, as well as in the networks of solidarity that sustained the popular movement.

Anti-fascism, both at the universal level and within the Albanian context, represented an emancipatory space that united the struggle for national liberation with that for social transformation. For many women and girls—especially those educated in urban institutions and within progressive youth networks, but also for working women in both urban and rural areas—the struggle against the occupier became a means of breaking the boundaries imposed by patriarchal tradition and affirming their role in public life. Through participation in anti-fascist organizations, particularly the Anti-Fascist Women's Organization, and even in the higher ranks of the Communist Party of Albania and the National Liberation Movement, in partisan battalions, demonstrations, sabotage actions, and political propaganda, new structures of social inclusion were created in which women assumed political, organizational, and moral responsibilities that had until then been exclusively male. This process marked the birth of a new form of collective consciousness, in which emancipation was no longer understood as something granted "from above" or as a concept imported from outside, but as a voluntary act—an expression of an "optimism of the intellect"—as part of the struggle for freedom and social justice undertaken by Albanian women and girls themselves.

Nevertheless, the emancipation that began under the conditions of war was later appropriated and transformed by the postwar regime into an ideologically controlled project. Within the framework of the state-socialist system, women's emancipation was institutionalized and became an integral component of the official discourse of the Party of Labour. Women were broadly integrated into processes of education, industrialization, and public life, but within a social environment in which participation was accompanied by political subordination and the restriction of individual autonomy, embodying the fundamental contradiction between the proclaimed ideals of liberation and emancipation and the reality of a society controlled by the party-state

and suffocated by the economic collapse of the system. The effort to realize the ideals of the anti-fascist women regarding the emancipation of Albanian women continued in post-dictatorial Albania within the framework of further challenges related to the democratization of society.

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Assessment of extreme sea levels based on measurements from the Albanian national tide Gauge network

Idlir Lami
Polytechnic University of Tirana, Faculty of Civil Engineering, Tirana, Albania

Abstract

Understanding extreme sea levels is essential for assessing coastal hazards and supporting sustainable coastal planning and management. This study evaluates extreme sea levels induced by marine storms using continuous sea level measurements obtained from the national tide gauge network over the period 2019–2024. The main objective of this study is to remove the tidal component from the sea level time series (de-tiding) in order to extract the residual signal, which represents sea level variations driven by meteorological and hydrodynamic factors. The resulting residual time series is then subjected to extreme value analysis (EVA) to estimate extreme sea level variations associated with different return periods. The results provide valuable insights into the frequency and magnitude of extreme events along the Albanian coastline. These findings are crucial for the design of coastal infrastructure, flood risk management, and climate change adaptation strategies. Furthermore, this study contributes to improving the assessment of storm-induced sea levels in the Adriatic Sea, addressing a gap in national coastal risk evaluations. In addition, the methodology applied in this study can be adapted to similar coastal environments where long-term sea level data are available. The study highlights the importance of continuous sea level monitoring and statistical analysis in enhancing coastal risk assessments. The results can support policymakers, engineers, and researchers in developing effective mitigation strategies to protect coastal communities and infrastructure from extreme storm-driven sea levels.

Keywords: De-tiding, Residual sea levels, Extreme Value Analysis (EVA), Tide gauge measurements.

1. Introduction

Extreme sea levels represent a key factor in coastal risk assessment and have a direct impact on infrastructure, ecosystems, and communities located along the shoreline. Phenomena such as marine storms and sea level rise can lead to significant flooding, resulting in considerable economic and environmental consequences. For this reason, an accurate assessment of extreme sea levels is essential to support coastal planning, design, and management processes.

In Albania, studies on extreme sea level values have been limited due to the lack of long-term data and detailed statistical analyses. However, it should be noted that the national tide gauge network provides valuable data for monitoring sea level fluctuations and assessing the impact of extreme coastal events.

In this study, sea level data recorded by the Durrës tide gauge, located within the military base at Cape of Pal (Kepi i Palit), have been used for the period 2019–2024. This tide gauge is situated at a strategic location along the Albanian coastline and has enabled reliable and continuous measurements of sea level variations caused by various factors, including atmospheric and hydrodynamic processes.

The analysis aims to remove the tidal component from the sea level time series in order

to extract the residual signal, which represents variations driven by meteorological and hydrodynamic factors. For this purpose, statistical methods for extreme value analysis are applied, allowing the estimation of sea levels associated with different return periods.

The results of this study are expected to contribute to improving coastal risk management strategies, supporting climate change adaptation measures, and enhancing the design of more resilient coastal infrastructure.

This study not only contributes to the existing knowledge on the dynamics of extreme sea levels in Albania but also provides a methodology applicable to other coastal regions with similar hydrodynamic conditions. The following sections present the methodology, analyses performed, and key results, along with a discussion of their implications for coastal risk management.

2. Material and methods

This study is based on sea level data recorded by the Durrës tide gauge, located at the military base of Cape of Pal (Kepi i Palit), which is part of the Albanian national tide gauge network. The dataset covers the period 2019–2024 and consists of measurements recorded at regular 10-minute intervals.

Figure 1: Albanian National Tide Gauge Network

Figure 2: View of the Durrës Tide Gauge at Cape of Pal (Kepi i Palit)

Table 1: Data Structure of the Durrës Tide Gauge Dataset

	Durrësi						
Date/Time(Europe/ Tirane)	Depth (RLS)(m)	Internal temp. RLS(°C)	Level RLS(m)	Pressure (abs) (kpa)	Tempera- ture Baro(°C)	Water level PLS(m)	Water Temp. PLS(°C)
2018-10-02 10:50:00	0.98	7.6	0.561	101.81	13.25	0.55	19.4
2018-10-02 11:00:00	0.98	7.4	0.558	101.8	12.87	0.55	19.3
2018-10-02 11:10:00	0.95	7.2	0.585	101.82	12.47	0.58	19.3
2018-10-02 11:20:00	0.95	7.1	0.594	101.83	12.15	0.58	19.3
2018-10-02 11:30:00	0.93	6.8	0.612	101.83	11.87	0.6	19.3
2018-10-02 11:40:00	0.92	6.6	0.621	101.83	11.6	0.61	19.3

To determine extreme sea levels, it is first necessary to isolate from the sea level time series the component corresponding to the harmonic part of the signal, commonly referred to as the astronomical tide.

The astronomical tide is the periodic rise and fall of the sea surface resulting from

gravitational interactions between the Sun, the Moon, and the Earth. The relative alignment of these celestial bodies governs both the timing (i.e., phase) and magnitude (i.e., amplitude) of the tide. The Moon exerts the dominant influence due to its proximity to the Earth. Consequently, interannual variations in the tidal signal tend to follow the lunar cycle more closely than the solar cycle (e.g., diurnal, fortnightly, and monthly cycles).

To analyze and decompose the sea level signal into its principal components, the UTide software was employed in this study. UTide is an advanced harmonic analysis framework that enables the extraction of periodic components associated with astronomical forcing in sea level variability. This method facilitates the separation of tidal contributions from other influencing factors.

a. data processing using utide

In general, the astronomical tide consists of individual forcing components generated by the gravitational effects of the Moon and the Sun, which produce waves known as harmonic constituents. Each constituent is characterized by its own amplitude, phase, and frequency. The frequency determines the type of constituent, commonly classified as diurnal (occurring once per day) or semi-diurnal (occurring twice per day).

While diurnal and semi-diurnal constituents represent the primary components, numerous additional constituents exist with shorter periods (e.g., quarter-diurnal and sixth-diurnal) and longer periods (e.g., monthly, semi-annual, and annual), which occur naturally.

The amplitude and phase of each constituent vary with latitude relative to the equator. Although several dozen harmonic constituents can be identified, only a limited number are typically significant for coastal applications.

In general, the most dominant tidal constituents include the four principal diurnal components (K1, O1, P1, and Q1) and the four principal semi-diurnal components (M2, S2, N2, and K2).

Table 2: Physical Description of the Eight Most Common Tidal Harmonic Constituents

Harmonic Constituent	Representative Force
M2	Principal lunar semidiurnal
S2	Principal solar semidiurnal
N2	Larger lunar elliptic semidiurnal
K2	Lunisolar semidiurnal
O1	Lunar diurnal
K1	Lunar diurnal
P1	Solar diurnal
Q1	Larger lunar elliptic diurnal

Modern methods for tidal harmonic analysis trace back to the work of Godin (1972). These methods are based on the least-squares approach to estimate the amplitudes

and phases of the harmonic constituents forming the tidal signal.
Early developments of harmonic analysis codes were implemented in FORTRAN by Foreman (1977, 1978). Subsequently, Pawlowicz et al. (2002) developed the T_Tide toolbox in MATLAB. Since then, several methodological improvements have been introduced, including the implementation of iteratively reweighted least squares (Leffler and Jay, 2009) and the incorporation of nodal and astronomical argument corrections (Foreman, 2009). These advancements have been integrated into the original FORTRAN-based framework of Foreman (1977) and are also included in the widely used tidal analysis software UTide (Codiga, 2011).
The UTide software performs tidal harmonic analysis using a weighted maximum likelihood regression (MLR) approach, which provides improved accuracy and greater flexibility in estimating tidal constituents.

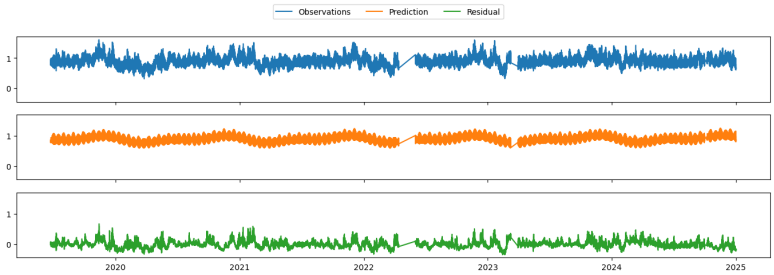

Figure 3: Time Series of Sea Level Signal Recorded at the Durrës Tide Gauge
As shown in Figure 3, the sea level signal recorded at the Durrës tide gauge was analyzed for the period June 2019 to December 2024. From the original signal, the harmonic component (astronomical tide) was extracted as the superposition of all tidal constituents, along with the residual signal (residual sea level), which represents sea level fluctuations driven by meteorological and hydrodynamic processes.
Further statistical analysis of the residual time series, which represents sea level variations independent of tidal forcing, provides insight into sea level rise and fall induced by meteorological and hydrodynamic factors.

b. extreme value analysis of residual sea levels

As in many other engineering applications, understanding the statistical characteristics of extreme values is essential for determining extreme sea levels. The statistical properties of extremes are fully described by the cumulative distribution function (CDF). Estimating this function requires a time series of the variable under investigation, which in this case corresponds to the residual sea level series obtained after removing the harmonic tidal components. The statistical characteristics at a given location can be evaluated using different approaches:
(a) the initial distribution approach (using the entire dataset),
(b) the peak-over-threshold (POT) approach, or
(c) the annual maximum approach (block maxima method).
Using one of the above approaches, a subset of values is selected to represent the extreme value series.

Given the relatively short duration of the available sea level record (slightly more than 5 years), and in order to preserve statistical independence, the selection of extreme values was performed using a block maxima approach. A time window of 30 days was adopted, allowing the extraction of monthly maxima over the entire dataset.
The following section presents the graphical representation of the selected values, which constitute the positive extreme value series to be further analyzed using extreme value statistical methods.

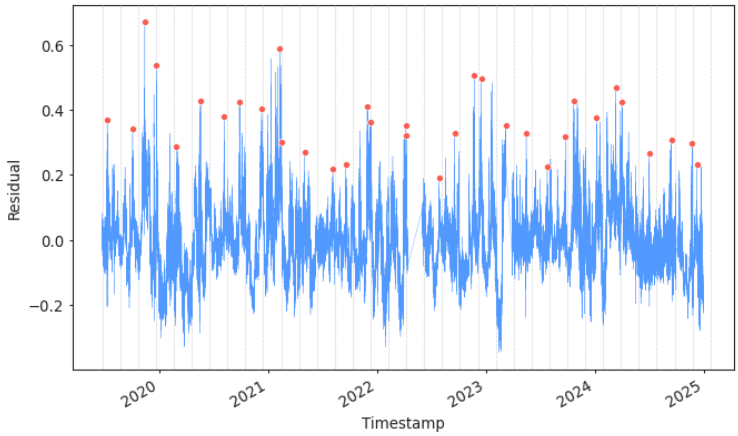

Figure 4: Selected Positive Values for the Construction of the Extreme Value Series

The graphical representation below illustrates the selected values that constitute the negative extreme value series, which will be subjected to extreme value statistical analysis.

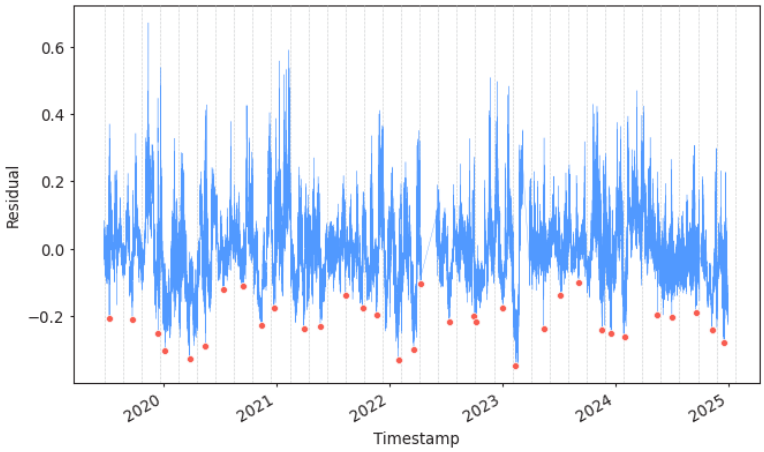

Figure 5: Selected Negative Values for the Construction of the Extreme Value Series

3. Results and discussion

The selected series of positive and negative extreme values were subjected to statistical analysis using the Python library *pyextremes* (https://github.com/georgebv/

pyextremes), which is specifically designed for performing Extreme Value Analysis (EVA). Below, the results of the extreme value statistical analysis for the positive extreme value series are presented.

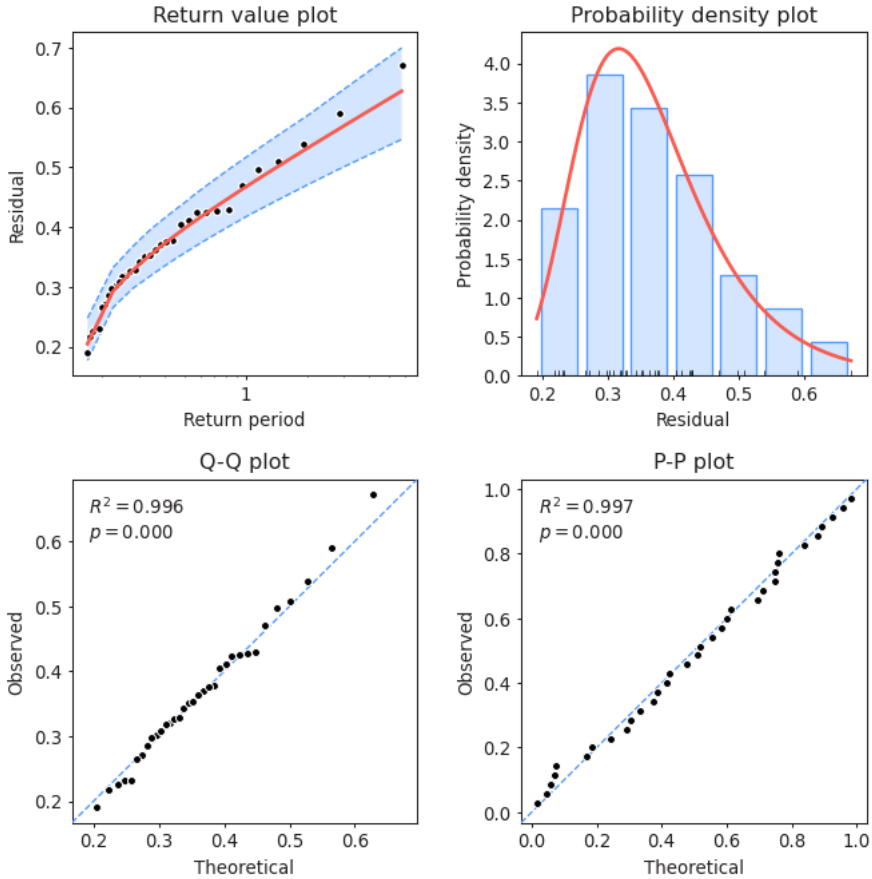

Figure 6: Statistical Analysis Plots of Positive Extreme Values

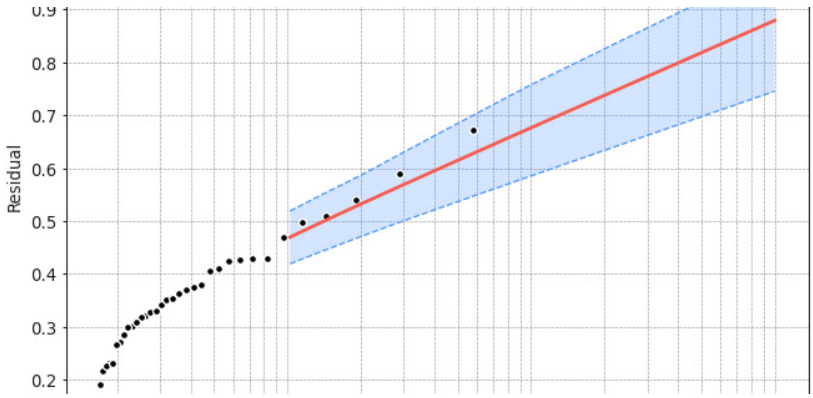

Figure 7: Probability Distribution of Positive Extreme Values

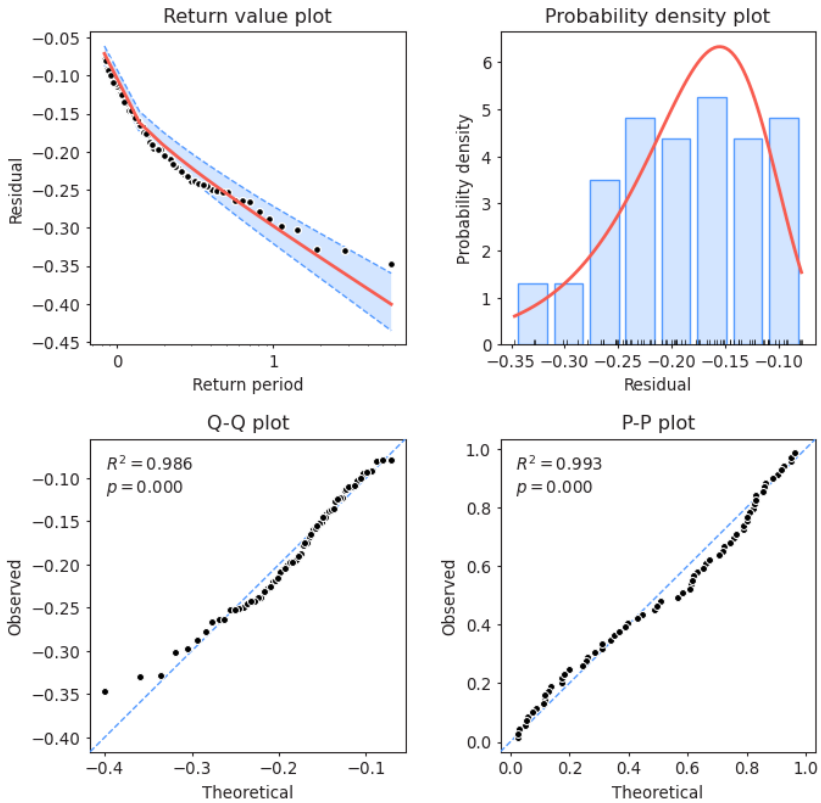

Figure 8: Statistical Analysis Plots of Negative Extreme Values

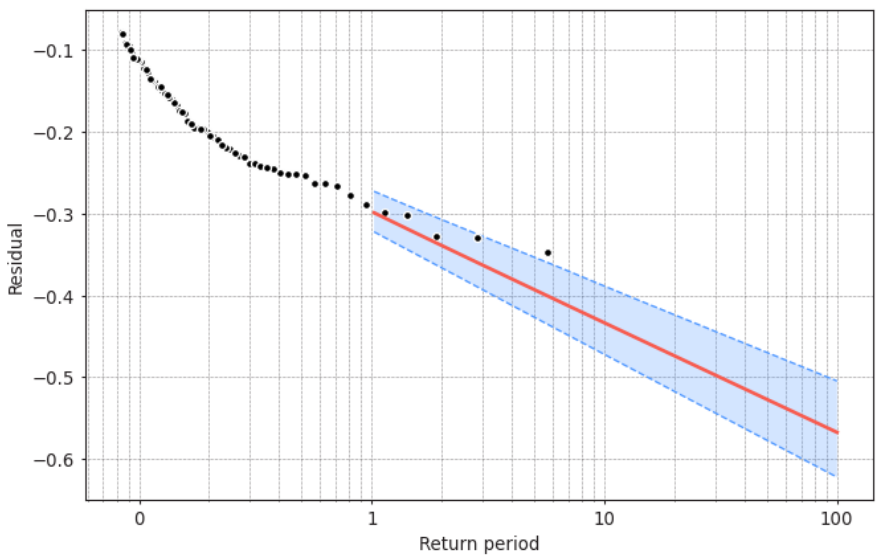

Figure 9: Probability Distribution of Negative Extreme Values

Table 3: Positive Extreme Sea Level Values

Return Period (years)	Sea Level (m)	Lower Confidence Limit (m)	Upper Confidence Limit (m)
1.0	0.28	0.22	0.45
2.0	0.48	0.39	0.57
5.0	0.60	0.47	0.69
10.0	0.68	0.52	0.80
25.0	0.79	0.56	0.93
50.0	0.86	0.59	1.03

Table 4: Negative Extreme Sea Level Values

Return Period (years	Sea Level (m)	Lower Confidence Limit (m)	Upper Confidence Limit (m
1.0	-0.29	-0.26	-0.32
2.0	-0.34	-0.30	-0.37
5.0	-0.39	-0.34	-0.44
10.0	-0.44	-0.38	-0.48
25.0	-0.49	-0.42	-0.55
50.0	-0.54	-0.46	-0.59

4. Conclusion

Positive and negative extreme sea levels were estimated for different return periods, providing a basis for coastal risk assessment. For shorter return periods (1 and 2 years), positive extreme sea levels are relatively moderate (0.28–0.48 m), whereas for longer return periods (e.g., 50 years), they reach up to 0.86 m. In contrast, negative extreme values range from -0.29 m for a 1-year return period to -0.54 m for a 50-year return period, indicating the potential magnitude of sea level events. The confidence intervals indicate considerable variability, particularly for longer return periods where uncertainty increases. This suggests that the results should be interpreted with caution in risk management applications.

The application of appropriate statistical methods (e.g., distribution fitting techniques) has resulted in a good agreement between the model and the observed data, as reflected by high goodness-of-fit coefficients in Q–Q and P–P plots ($R^2 > 0.98$). These findings are important for assessing coastal flood risk and for the management of infrastructure in areas affected by sea level variability. For positive extreme events, the influence of sea level rise and other hydrodynamic factors should be considered when defining appropriate protection measures. Negative extreme sea levels may impact marine operations, particularly in port areas, where sudden drops in sea level can pose challenges for navigation and accessibility.

For a more comprehensive assessment, future analyses could consider the influence of climate change and ocean circulation patterns on the evolution of extreme sea

levels. Further studies may also explore the interaction between extreme sea levels and additional forcing factors such as wind and storm events, in order to provide a more comprehensive evaluation of coastal risk.

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The Influence of Genes on Partisanship and Voter Turnout

Erion Piciri
University of Tirana, Albania

Abstract

Genetic factors influence political behavior, especially in the direction of partisanship and voter turnout. This relationship has become evident over the years through specific research, completing the classical concepts of environmental influences such as socialization, socio-economic status, and political context in voters' sociological, socio-psychological, and rational choice. Twin studies and molecular genetics bring evidence of the significant influence of genetic predisposition on the intensity of partisanship but not its direction, which appears to remain deeply influenced by family and environmental factors. Several studies find that particular genes, such as DRD2 or MAOA, are related to variations in political behavior and voter turnout. It seems that they can influence voter turnout both directly and indirectly through partisanship, whereas other factors like religiosity play a role as well. Such observations came to challenge and, at the same time, complement traditional frameworks, suggesting that political behavior results from a common action of constant genetic predispositions and evolving environmental influences. In this article, we conclude that integrating the genetic perspective in political science can improve traditional theoretical models of voter turnout and partisanship and change campaign strategies and communication. This approach can contribute to a deeper understanding of political participation and open new opportunities for future research on the foundations of political engagement.

Keywords: political behavior, genes, partisanship, voter turnout, voter behavior.

Introduction

Political behavior has been the focus of researchers for many decades. Many scholars have tried to respond to major questions in political science, such as: who votes and why, what is the role of partisanship, ideology, socioeconomic status, and how they influence voters' choices. Over the years, several political scientists, based on twin research, have argued that genetic factors play an important role in shaping political behavior. Genetic results have prompted debate regarding prior socialization theories of political traits.

Voters have traditionally been categorized based on geography, religion, ethnicity, race, income, education, profession, and party identification (Campbell et al, 1960). So, a Columbia study explained the 1940 election with a sociological model, relating voters' socioeconomic status, religion, and place of residence to their votes (Lazarsfeld, 2000). Some Michigan researchers analyzed the 1952 election using a social-psychological model. The authors described this in terms of a "funnel of causality". At the mouth of the funnel are sociological background characteristics (ethnicity, race, region, religion, and the like), social status characteristics (education, occupation, class), and parental characteristics (class, partisanship). All these affect the person's choice of party identification, which is the next item in the funnel. Another model of voting became popular by the 1970s, called the rational voter model. According to this model, voters decide whether to vote and which candidate to vote for on some

rational basis, usually by deciding which action gives them greater expected benefits. In the usual formulation, they vote for the candidate closest to them on the issue (Niemi, 2001). All these theories have focused on environmental influences and did not account for biological factors, such as human genes. In the last twenty years, the traditional environmental theories of political behavior have been enriched with new perspectives based on the influence of genes in political attitudes, partisanship, and voter turnout. Alford, Funk, and Hibbing (2005) found that identical twins were more likely than non-identical twins to give the same answers to political questions. The work of Settle et al (2009) has demonstrated that heredity plays a role in closely related political behaviors, such as political attitudes, political orientations, voting behavior, and trust. Several authors during the years have investigated the role of genetic factors in partisanship and voter turnout. So, Hatemi and colleagues (2009) in their article *Is There a 'Party' in Your Genes?* test the hypothesis that, in addition to environmental forces, genes may play a role in the direction and intensity of Party ID. Settle, Dawes, and Fowler (2009) in *The Heritability of Partisan Attachment* hypothesize that genes contribute to variation in a general tendency toward the strength of partisanship. Dawes and Fowler (2009) in *Partisanship, Voting, and the Dopamine D2 Receptor Gene* studied genetic variation in another political behavior: partisan attachment. Fowler and Dawes (2008), in their article *Two Genes Predict Voter Turnout,* investigate two specific genes that may contribute to variation in voting behavior: MAOA and 5HTT. In this article, I'll be analyzing the potential relationship between genes, partisanship, and turnout and their implications in some of the traditional political behavior theories and practices.

The Genes and Partisanship

Partisanship can be an influential factor in the election outcome. "During the past half-century, party identifiers have voted for their party's candidates most of the time" (Hershey, 2009). For Bartels (2000), party identification remains a potent variable for explaining individual voting decisions and election outcomes. Popkin (1994) finds that "there is a mutual adjustment between political evaluation, party identification, and voting". Also, Lau and Redlawsk (2001) identify party affiliation as "the first and perhaps most important political heuristic" that most Americans use to orient their voting behavior. Political group attachments remain an important guide to how people vote. For this reason, scholars have tried to explain over the years what partisanship is and what factors influence it. Partisanship was considered as loyalty to one party (Flanigan & Zingalle, 2006), a stable characteristic of the individual likely to remain steady throughout the citizen's political life and likely to grow in strength during that lifetime (Campbell, 1960), or stemming from childhood and reflecting the influences of the immediate social milieu and the family (Greenstein & Hyman, 1959). In contrast with conventional studies based on environmental factors, recent work tries to explain the strength and direction of partisanship via genetic predispositions. Settle, Dawes, and Fowler (2009) hypothesize that genes contribute to variation in a general tendency toward strength of partisanship. Authors compare the similarity between partisan strength in identical twins who share all their genes to the similarity

and partisan strength in non-identical twins who share only half of the genes, which vary between human beings. Their results indicate that the strength of partisan attachment is heritable, and they suggest that we should pay closer attention to the role of biology in the expression of important political behaviors. A simple interpretation of the data suggests that genes account for about 58 percent of the variance in the strength of partisan attachment. They suggest that the environment also plays a role, although this is primarily due to the unshared environmental factors, which account for 54 percent of the variance. Authors do not find a significant role for heritability in describing the direction of partisanship. In other words, although genes appear to play a role in how strongly we attach to a given party, there is not much evidence that they influence which party will be chosen. Their results suggest that the correlation between parent and child partisan behavior is more likely to result from shared genes than the family environment and that partisan intensity is also heritable, but partisan direction is not. Genes may contribute to the tendency toward group attachment, but not necessarily the groups with which an individual will choose to associate (Setter, Dawes, and Fowler, 2009)

The confirmation of gene role in the intensity of partisanship is found in other studies as well. Hatemi and colleagues (2009) test the hypothesis that, in addition to environmental forces, genes may play a role in the direction and intensity of Party ID. In their study, they provide evidence supporting that Party ID is based on social transmission. The origin of Party ID is almost exclusively cultural, and the direction of Party ID is driven almost entirely by familial socialization without any involvement of genetic transmission. At the same time, authors find that partisan intensity is heavily influenced by genetic liability and very little by familial socialization. However, their data suggest that the source of partisan intensity is quite distinct and influenced in part by genetic differences comparable to, but distinct from, those long regarded as constitutive of personality differences.

The studies mentioned above demonstrate that heritability accounts for the strength of partisan attachment, suggesting the role of biology in the expression of important political behaviors. However, they don't identify a specific gene that may be partly responsible for the tendency to join political groups. Dawes and Fowler (2009) have tried to investigate this direction by observing genetic differences in the dopamine neurotransmitter system that can cause differences in political behavior. Authors have found that the A2 allele of the D2 dopamine receptor gene is significantly associated with partisanship. Since gene variants like DRD2 are inherited from parents, they may help to explain the well-known correlation in strength of partisanship between parent and child, and why partisan attachments are long-lasting and stable over time. They consider it important to note that DRD2 is associated with the likelihood that a person will identify as a partisan, but it does not say anything about which party a person will identify with.

The studies mentioned above show that partisanship strength can be affected by genetic factors, but the direction of political attachment is mostly influenced by family and environmental factors. The findings of these articles add to our understanding of partisanship, while also challenging traditional theories and practices in voter behavior.

Genetic Implication on Partisanship

Studies about genetic association with partisanship try to elucidate the origin of partisanship and the determinants of partisanship direction. They come to clarify or reinforce some of the previous conceptions of the transmission and acquisition of partisanship, and at the same time suggest that other theories and practices need to be reformulated. In this paper, I'll present some examples. None of the new studies finds a significant role for heritability in describing the trend of partisanship. In this direction, it is clear that the party to which one attaches is mainly contoured by family and environmental factors. On the other hand, in terms of intensity of partisanship, perspectives are changing. Campbell et al. (1960) in *The American Voter* consider that "partisanship is passed from one generation to the next" through early politicization. New findings suggest that before early politicization, there exists a genetic base of predisposition for political participation. Settle, Dawes, and Fowler (2009) and Hatemi et al. (2009) sustain that partisanship and its intensity are transmitted genetically. For them, the strength of partisan attachment is heritable, and partisan intensity is heavily influenced by genetic liability. The finding that the correlation between parent and child partisan behavior is more likely to result from shared genes than the family environment can explain Campbell et al.'s (1964) finding that "people from inactive homes tend strongly toward nonpartisan positions." In other words, the cause of non-partisan position in this case is not only inactive homes but also different genes that don't stimulate the strength of partisanship. Maybe what Campbell et al. couldn't explain about the difference between "active" and "passive" homes that exists in all social strata can be explained by genetic factors. The difference in strength of partisanship can be found in the hereditary predisposition for political involvement. Comparing different studies, we can notice that the genetic factor is not the only influential factor in the intensity of partisanship. Dawes and Fowler (2009) found that since gene variants like DRD2 are inherited from parents, they may help to explain the well-known correlation in strength of partisanship between parent and child, and why partisan attachments are long-lasting and stable over time. This conclusion is partially in conflict with Campbell et al.'s findings about the intensity of partisanship. For them, age is an important factor: "strong party attachment is more common among people of retirement age than it is at any other period (the older half of the electorate and one quarter of those 21 to 24 years of age show a strong party attachment). The genetic factor doesn't explain this phenomenon alone. Settle, Dawes, and Fowler accepted the limitations of their study. The genes do play a role in partisan attachment, but they couldn't expose the exact mechanism by which genes and the environment interact to produce the phenotype. In the future, other studies need to elucidate the relationship of influence between genetic and environmental factors on the strength of partisanship.

In campaign management, these findings can change the strategy on voter targeting. "Voting loyally in support of one party varies with the strength of individuals' partisanship", observed Flanigan and Zingalle (2006). Since the strength of partisanship depends on the "A2 allele of the DRD2 dopamine", we can conclude that people with

a low level of the A2 allele of the DRD2 dopamine have a low level of voting loyalty. If in the future, campaigns could find voters' "map" of genes, these categories of voters could present a potential for persuasion and conversion. Those with a high level of the "A2 allele of the DRD2" can enter a program of reinforcement.

The Genes and Voter Turnout

Different studies support the role of political, socioeconomic, institutional, and cultural factors as main vectors in voter turnout. Flanigan and Zingale (2006) link turnout with high- and low-stimulus elections that depend on factors such as media coverage, importance of issues, candidates, and competitiveness of the contest. For Nie, Verba, and Petrocik (1976), the role of the party has declined as a guide to the vote. And, as the party has declined in importance, the role of issues appears to have risen. Rosenstone and Hansen (2001) sustain that the level of political participation in the United States waxes and wanes in response to political mobilization. Franklin (2001) considers that going to the polls is motivated by the desire to affect the course of public policy, the importance of the electoral contest, and the likelihood that one's vote will not be wasted. Powell (1986) considers turnout in consolidated democracies as an expression of trust in government, degree of partisanship among the population, interest in politics, and belief in the efficacy of voting. Partisanship, mobilization, media coverage, candidates, issues, interest in politics, confidence in the electoral process, and democracy represent some of the extrinsic factors influencing voter turnout. In contrast with conventional studies based on environmental factors, recent work tries to explain voter turnout via intrinsic genetic inclinations.

Fowler and Dawes (2008) have shown that voter turnout has very high heritability. They have investigated two specific genes that may contribute to variation in voting behavior. The authors hypothesized that people with more transcriptionally efficient alleles of the MAOA and 5HTT genes are more likely to vote. They also tested whether genes are associated with voter turnout and whether the association is moderated by religious attendance. They observed that the "high" allele of MAOA was significantly associated with increased voter turnout in the 2004 presidential election. No moderation relationship existed for MAOA. In contrast, the association between 5HTT and voting was, in fact, moderated by religious attendance. The odds of voting for those with the "long" version of the 5HTT gene who frequently attended religious services were 1.58 times greater than among those with the "short" version. Authors theorize that low-efficiency MAOA and 5HTT alleles limit the degree to which individuals are socially oriented, inhibiting their desire or ability to participate in the political process.

Another study by Dawes and Fowler (2009) finds that the increase in the likelihood of partisan attachment also mediates a significant positive association between the A2 allele and voter turnout. This gene's association with partisanship also mediates an indirect association between the A2 allele and voter turnout. The evidence suggests that the relationship between the DRD2 gene and voter turnout is more likely to be indirect, mediated by DRD2's effect on partisanship. Dopamine and serotonin are both implicated in turnout, given that both are believed to play a vital role in the

regulation of emotion and mood.
These studies demonstrate a new dimension of voter turnout influenced by genetic factors. The findings of these articles complete the knowledge about turnout, but at the same time provoke debates with traditional theories and practices in election participation.

Genetic Implications on Voter Turnout

Studies demonstrate that voter turnout is influenced not only by environmental factors but also by genetic ones. So, Dawes and Fowler's (2009) finding that "the relationship between the DRD2 gene and voter turnout is more likely to be indirect, mediated by DRD2's effect on partisanship" seems to complement other authors' affirmations that an individual's vote in an election can be viewed mainly as the product of the strength of partisanship (Flanigan and Zingalle, 2006). Their results reinforce the extant work that highlights the strength of partisanship as a main vector in voter turnout. As highlighted above, some studies theorize that certain alleles inhibit or stimulate voters' desire or ability to participate in the political process. Fowler and Dawes (2008) showed that the ''high'' allele of MAOA is significantly associated with increased voter turnout. Now we notice that not only partisanship, mobilization, media coverage, candidates, issues, interest in politics, confidence in electoral process and democracy, are important in political participation, but also the genes.
Furthermore, Flanigan and Zingalle (2006) observe that religiosity is another factor in influencing one's partisanship, and that both Catholics' and Protestants' positions on some issues increase with frequency of church attendance. The influence of the 5HTT gene combined with religious attendance on political activity explains that the relationship between church attendance and political behavior is not only based on social and theological influence, but also on a genetic one. New findings reinforce other authors' findings about the role of the church in voter behavior and, at the same time, explain the difference in political behavior between individuals with the same coefficient of religiosity.
In campaign management, these findings can change campaign strategy for voter turnout. Green and Gerber (2008) suggest that some factors can increase voters' turnout. According to them, events, calls, recontacting people who have expressed earlier an intention to vote, mobilizing voters, personal invitations, building on voters' preexisting level of motivation, television ads that specifically urge voter turnout, etc., can improve political participation. Investigating the 2008 Presidential Election, Panagopoulos (2009) highlights that "smartly designing a website and new media strategy also gives a campaign ample opportunity to track and communicate with its most ardent supporters". All these factors of political mobilization and voter turnout can be more efficient if the new evidence about the genetic effect on voter behavior is considered. Genetic composition is a key step to identifying 'ardent supporters. In addition to demographic data, genetic information about individual targets can help increase voter turnout. If the genetic predisposition for political participation is known, the right message to the right voters can be delivered.

Conclusion

Studies have demonstrated that partisanship and voter turnout are influenced not only by environmental factors but also by genetic ones. The results presented in this paper highlight the genetic implications for political behavior, with three main directions: theories on partisanship and turnout, campaign strategy, and future research in political behavior.

However, although partisanship and its intensity are transmitted genetically, there is no significant role for heritability in describing the direction of partisanship. Studies suggest that before early politicization, there is a genetic predisposition for political participation. It has been demonstrated that not only partisanship, candidates, and issues, but also genes are important in political participation. So, identifying key voters, knowing their genetic political predisposition, and using the new technology of communications creates a new condition that can change campaign strategy and communication. In the future, other studies may elucidate not only how genes influence partisanship and voter turnout, but also how the relationship between genetic and environmental factors influences voter behavior. Environmental factors are dynamic and constantly changing, whereas genetic composition remains stable. Over time, this genetic feature may help explain the change in individuals' attitudes from one election to another. An environmental approach to voter behavior cannot fully progress without considering genetic influences.

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Specialized administrative discourse in Albanian: features of a specialized language

Rafaela Marteta
Academy of Sciences of Albania, Institute of Linguistics and Literature , Department of Lexicology, Terminology and Applied Linguistics, Tirana, Albania

Abstract

Administrative discourse has the characteristics of a linguistic. Its content is characterized by texts through which public administration communicates with networks outside the institution, with citizens, with other public entities within the institutional structure, and with its own administrative staff. Circulars, certificates, various self-declaration forms, income declaration forms, announcements for the opening of competitions, police reports, and other texts of this nature constitute a list of examples. Administrative discourse is part of specialized discourse. It is used to communicate within specific fields of knowledge and differs from ordinary language mainly through the use of a restricted lexicon that includes terms that are rarely used and sometimes even unknown to those who do not possess specific knowledge in a given field. Everyday discourse and general language are increasingly being "invaded" by specialized terminology.
There are numerous types of specialized discourse, each of them explaining particular phenomena: medical discourse describes pathologies and diagnoses, scientific discourse describes natural and biological phenomena, and so on. Administrative discourse, however, unlike other specialized discourses, has a relatively limited core of technical terms. For this reason, some scholars question whether it can be considered a full member of specialized discourses. These scholars argue that its characteristics are more sectoral than truly specialized. Other scholars, on the other hand, consider administrative discourse a hybrid language that incorporates lexical elements from different sources. Nevertheless, there is no doubt that administrative discourse interacts extensively with other discourses that are recognized as genuinely specialized, among which legal discourse. In the extended paper, administrative discourse is also examined as part of specialized discourse, partly due to its frequent exchanges with other discourses in order to address technical or scientific arguments, or specifically in administrative-legal texts, when the technical terms of the relevant specialized discourses are used instead of paraphrasing them in ordinary language.

Keywords: Albanian language, specialized language, terminology, administration.

1. Introduction

The following article aims to highlight several general features of administrative discourse in Albanian. In this article, administrative discourse is considered as a linguistic variety that characterizes the texts through which public administration communicates with networks outside the institution, with citizens, with other public entities within the institutional structure, as well as with the administration's own personnel. Examples include circulars, certificates, various self-declaration forms, income declaration forms, announcements for public competitions, police reports, and other texts of this nature. The scholar Xhevat Lloshi classifies these into broader groupings, distinguishing the following categories: legal texts, official correspondence,

economic-commercial acts, and forms (Lloshi, 2005).
Administrative discourse is part of specialized discourse, a term used to define a type of discourse engaged to communicate contents within specific fields of knowledge. It differs from ordinary language mainly because of the use of a restricted lexicon containing terms that are rarely used and sometimes unknown to those who do not possess specific knowledge in a particular field. In Italian linguistic studies, the term most commonly used term is «specialized discourse» (Gualdo–Telve, 2011). The authors prefer to speak of specialized discourses for two reasons: «by language we mean the verbal communicative code that is exclusive to the human species; whereas a discourse can express concepts also through non-verbal means […]. These two lines, verbal and non-verbal, can intersect and combine with each other, creating elements that facilitate the understanding and acquisition of concepts» (Gualdo–Telve, 2011). The use of these terms vary according to the field of knowledge from which they originate, and the scholar Agron Duro refers to them as «special meanings» (Duro, 2012) when stating: «The word combination in ordinary language differs from the word combination in specialized discourse, because the latter is intended to describe only the subject matter of the discipline it addresses, and is not inclusively representative of the general language, but only of the terms and topics it contains» (Duro, 2012).
Communication through specialized discourse is part of communication expressed through ordinary or everyday language. However, it is the formal forms of specialized discourse that distinguish it from the common language used in everyday communication (Gualdo & Telve, 2011). The scholar Xhevat Lloshi identifies several criteria, requirements, that specialized discourse must fulfill:
Whatever content falls within the scope of this field is subject to several requirements. The first requirement is that everything must be presented and carried out in the name of the state, from the general perspective of its interests and not from that of a particular speaker. There is a marked effort to avoid personal or individual attitudes and treatments; consequently, the direct expression of the speaker's feelings and reactions, personal evaluations, and any form of subjectivity is avoided. (Lloshi, 2005). *(original)*Çfarëdo përmbajtje që bie nën vështrimin e kësaj fushe, u nënshtrohet disa kërkesave, kërkesa e parë është që gjithçka të paraqitet e të bëhet në emër të shtetit, nga pikëpamja e përgjithshme e interesave të tij dhe jo të ligjëruesit të veçantë. Shfaqet në mënyrë të theksuar përpjekja për të mënjanuar qëndrimet e trajtimet nga ana vetjake, individuale, rrjedhimisht shmanget shprehja e drejtëpërdrejtë e ndjenjave dhe reagimeve të ligjëruesit e vlersimeve vetjake, e çdo gjëje subjektive.
These characteristics described by Lloshi, which make specialized discourse more contextual, are invading common language, which is increasingly being «occupied» by specialized terminology. This phenomenon cannot go unnoticed, particularly in those disciplines and fields of knowledge that are closely connected with everyday life. As has been noted, specialized discourses are numerous, and each of them aims to explain specific phenomena: medical discourse describes pathologies and diagnoses, scientific discourse explains natural and biological phenomena, and so on. Every science and every discipline has its own specialized discourse, whose function is to facilitate communication among individuals interested in the same phenomena (Istituto Cortivo, 2005).

2. General Features

The Italian writer Italo Calvino defined administrative discourse as an «anti-language, ridiculous and artificially bureaucratic», and among its characteristics he emphasized what he called semantic terror. According to Calvino, «semantic terror» (Calvino, 1988) refers to the avoidance of any word that inherently carries a clear meaning, replacing it instead with terms that are not part of everyday usage, and do not belong to the linguistic repertoire we normally employ to describe events in our daily lives. Unlike other specialized discourses, this type of discourse possesses a limited core of technical terminology. For this reason, some scholars question whether it can fully be considered part of specialized discourses. These scholars emphasize that its characteristics are more sectoral than truly specialized (Sobrero, 1993). Other scholars, however, consider administrative discourse to be a hybrid language, which incorporates lexical elements from various sources. Nevertheless, there is little doubt that administrative discourse interacts extensively with other discourses that are widely recognized as specialized, particularly legal discourse. In this article as well, administrative discourse is examined as part of specialized discourse, due to its frequent exchanges with other discourses of a similar nature. For example, when addressing technical-scientific issues – specifically administrative-legal texts – «technical terms belonging to the corresponding specialized discourses are used instead of paraphrasing them in ordinary language» (Viale, 2008).

Despite the mixture of different technical discourses, where the legal sector seems especially prominent, heterogeneity however becomes a distinguishing feature of administrative discourse. In this context, «a set of specialized terms of diverse origins is grafted onto a terrain of words and expressions that we simply call bureaucratic and that are not related to the specialized characteristics of the content itself» (Gualdo & Telve).

This statement is supported by the fact that administrative discourse, although grouped under the same general "umbrella" varies according to its field of use. Thus, the discourse used in a finance office differs from that used in an urban planning office. Below is an example of a financial document published by the Official Publication Centre:

[…] In order to increase the security of accounting data, the institution, through Payment Order No. 99, dated 23.09.2009, paid 150,000 lek for the repair of the software program "ALPHA", while through Payment Order No. 80, dated 05.07.2010, it paid 60,000 lek for the installation of the "ALPHA" program, which began operating in 2011. All transactions are recorded in the accounting books in a systematic and chronological manner based on primary documents. Supporting documents for the execution of economic transactions have been completed in accordance with the legal provisions in force. For the years 2008, 2009, and 2010 the balance sheet was compiled and submitted to the Treasury Branch in Tirana and to the Ministry of Justice within the legal deadline (…) (Official Publications Centre, *(original)Për të rritur sigurinë e të dhënave kontabël institucioni me Urdhër Shpenzimi nr. 99, datë 23.09.2009 ka paguar 150,000 lekë për riparimsoftëare programi "ALPHA", ndërsa me Urdhër Shpenzimi nr. 80,*

datë05.07.2010 ka paguar 60,000 lekë për instalimin e programit "ALPHA", program icili ka filluar të funksionojë në vitin 2011.Të gjitha veprimet regjistrohen në librat kontabël në mënyrë sistematike dhekronologjike të marra nga dokumentet bazë. Dokumentet justifikuese për kryerjene veprimeve ekonomike, janë plotësuar konformë dispozitave ligjore në fuqi.Për vitet 2008, 2009 dhe 2010 bilanci është përpiluar dhe dërguar në Degën e Thesarit Tiranë dhe në Ministrinë e Drejtësisë brenda afatit ligjor www.qpz.gov.al

The receivers of administrative texts constitute an indistinguishable group that often coincides with the entire population, since the activities of public administration directly affect the lives of all members of a state. The language used in drafting texts on behalf of the public administration, or by the public administration itself, addresses everyone within the national territory regardless of their level of education, linguistic competence, or extra-linguistic knowledge. Despite the need for texts that are as comprehensible as possible for their receivers, administrative discourse often presents a rigid and predetermined structure, which frequently harms both the functional organization of the text and its comprehensibility. A lack of clarity in an administrative text affects both the outcome and the effectiveness of normative texts. Often, when drafting instructions for implementing a law—that is, when shifting from legislative discourse to administrative discourse—the same organizational model used for legal texts tends to be maintained. However, for the benefit of the public, it would be preferable for such texts to be organized in a simpler way. In response to the need to simplify administrative texts, Italy established, beginning in the 1990s, a special commission of experts tasked with simplifying the language of administrative texts, a process that continues to this day. In the *Dizionario di stile e scrittura* (Beltramo & Nesci, 2011)., the authors present an organizational model commonly observed in most administrative texts. According to them, the main sections are: 1) Sender; 2) Motivation; 3) Provision/Disposition. Following the studies on simplifying communication through administrative discourse for the benefit of the message receiver, the authors propose a different order for these elements which would make the text more natural and easier to understand:

- Provision/ disposition – the rules and legal basis on which the act relies;
- Sender – the authority issuing the act;
- Motivation – the circumstances and evaluation that prompted the act (Beltramo & Nesci, 2011).

Such a modification would clarify and simplify the nature of administrative texts, enhancing their effectiveness. The difficulty of communicating through documents is directly related to the author of the administrative text and to several internal factors arising from particular needs, such as the obligation to fulfill an institutional duty. Here emerges «formality». Formality is one of the four characteristics of public discourse cited by Alfredo Fioritto in *Manuale di stile*. It concerns the formal and linguistic standards of administrative texts, because of their legal value. In addition to formality, Fioritto also identifies complexity, ambiguity, and circularity. Linguistic complexity corresponds to the need for administrative discourse to reflect in a detailed way the extralinguistic complexity that these texts are required to cover. Ambiguity is linked to the «solemn» or «heavy» language of laws, which public institutions must adapt for citizens. Circularity concerns the presence of an intermediate recipient, such as a manager or supervisor, who signs the document before the text is addressed to

the public. (Fioritto, 1997).

While drafting or revising documents, bureaucrats often focus more on the text as a product than on its recipients. This concern for the formal legality of the act does not necessarily correspond with effective communication of the message contained in the text. At this point, a disconnection arises between sender and receiver and, in the words of the scholar Raso, «many public officials lose the perception that a text is written to be read» (Raso, 1999–2000). Most of the texts produced by public administration fall into a category that, paraphrasing Armbruster, can be described as being written without taking the reader into account and without making any effort to facilitate the cognitive effort required of the reader. Regarding the organization of discourse in administrative communication, Albanian public administration officials themselves have listed several criteria for drafting administrative texts aimed at direct communication with the public. Some of these guidelines appear in internal administrative documents addressed to employees regarding the drafting of such texts:

- the written text should be visually accessible—texts should be simple and quickly readable; users should not be forced to read long paragraphs, and hyperlinks should be used to distribute information across web pages;
- the use of clear language—slang or bureaucratic language should be avoided, as users generally dislike or may not understand it;
- accessibility—PDF documents are often not suitable for online readers unless they have the appropriate software installed; therefore, if a document is provided in PDF format, a link for downloading the appropriate reader should also be provided;
- linguistic correctness in terms of morphology and syntax, as well as proper formatting for better screen presentation;
- the use of standard language and correct orthography; acronyms, jargon, and complex words should be avoided;
- the content should not contain material that may be considered offensive;
- correct use of punctuation;
- appropriate use of vocabulary;
- concise and simple grammar and text;
- the use of lists and bullet points where appropriate;
- left-aligned text;
- information layout should ensure that readers can easily find sufficient information to understand what is being offered (Official Publications Centre, n.d.). (Original, orthographic errors in the text are attributed to the original, especially lack of "ë" and "ç") *teksti i shkruar të jetë i kapshëm për syrin – të ofrohet një tekst i thjeshtë që lexohet shpejt, nuk duhet detyruar përdoruesi të lexoje paragrafë të gjate por duhet përdorur dhe link që informacioni të përshkallëzohet në faqe të tjera ëeb; përdorimi i gjuhës së pastër – të mos përdoret gjuhë zhargon apo gjuhë burokratike, pasi përgjithësisht përdoruesit nuk e pëlqejnë ose mund të mos e kapin kuptimin. Aksesueshmeria: Shpesh dokumentet PDF nuk janë shume të përshtatshëm për lexuesit online nëse ata nuk kane të instaluar programin lexues në versionin e duhur. Nëse ofrohet dokument në version PDF atëherë duhet dhëne edhe lidhja për shkarkim/instalim të versioni e fundit të programit lexues. Është shume e rëndësishme që të ndiqen rregullat e mëposhtme përsa i përket si*

anës gjuhësore të pastër, morfologjike apo sintaksore, por edhe formatimit të tekstit për një paraqitje sa më të mire ne ekran. Te përdoret gjuhe letrare, dhe një drejtshkrim i sakte. të shmangen akronimet, zhargoni, dhe fjalët komplekse. Përmbajtja nuk duhet të ketë materiale që mund të konsiderohen fyese. Përdorimi korrekt i pikëzimit. Të sigurohet një përdorim korrekt i fjalëve. Gramatika, teksti duhet të jetë konciz dhe i thjeshtë, Paraqitja e tekstit: përfshirja e listave dhe pikave aty ku është e përshtatshme.Teksti i vendosur me drejtim majtas. Faqosja e informacionit duhet të behet duke pasur parasysh qe lexuesi duhet të gjej informacion të mjaftueshëm për të kuptuar çfarë i ofrohet

These are indeed commendable criteria; however, they are not consistently followed by drafters. As a result, administrative texts are often less cooperative, in the sense that they do not effectively cooperate with recipients in achieving the shared goal of communication. Administrative acts often carry a particular pragmatic force, which may also be described as an obligation of compliance or completion. These texts must have the power to concretely influence reality and to impose obligations and rights. This special force imposes rigidity on the language through which they are expressed. For this reason, Sabatini describes the language of administrative texts as «highly restrictive». (Sabatini, 1990). The discourse is very rigid, leaving little room for interpretation and very limited possibilities for stylistic choice. The main goal of administrative texts is unambiguity: they must be understood by everyone in the same way in which the sender intends them to be understood. The need for unambiguity is linked to the communicative intentions of the sender. In order to guarantee the integrity of this communicative purpose, the author of administrative texts must employ language that is precise to the point of rigidity.

3. General Linguistic Features

Lexicon: As mentioned above, the language of bureaucracy does not possess a specialized lexicon of its own; rather, it "feeds" on the sources of other specialized discourses, among which legal discourse is one of the most influential. It is therefore reasonable to highlight some of the forms that characterize administrative discourse. The examples below are drawn from texts produced by our public administration.

- *Nouns with the suffix –esë,* formed from the stems of verbs of the first conjugation. These nouns indicate actions or processes: shkresë (document), urdhëresë (order), shtesë (addition), dërgesë (dispatch).
- *Action nouns formed from verbs with the suffix –im*: formatim (formatting), mandatim (mandating), dorëzim (delivery), vendim (decision), auditim (auditing), likuidim (liquidation), inventarizim (inventorying), prokurim (procurement), negocim (negotiation), zbatim (implementation), miratim (approval), rekomandim (recommendation), implementim (implementation). Since these are among the most frequent forms, some are illustrated below with excerpts from Albanian administrative texts:

Example 1: «From the audit it resulted that, regarding the inventory carried out for the years 2008, 2009, and 2010, the inventory sheets did not reflect the comparison between the accounting balance and the physical balance in quantity, price, and value […]». (original) shembull 1: «Nga auditimi rezultoi se, për *inventarizimin* e kryer për

vitin 2008, 2009 dhe 2010, tek fletët e inventarit nuk është pasqyruar krahasimi i gjendjes kontabël me gjendjen fizike në sasi, çmim dhe vlerë[…]».www.qpz.gov.al
Example 2: «Negotiation without prior publication of the contract notice is incorrect, as it does not meet any of the conditions of Article 33 of Law No. 9643, dated 20.11.2006 'On Public Procurement' […]». (original) shembull 2: «*Negocimi* pa shpallje paraprake të njoftimit të kontratës është i gabuar, pasi nuk plotëson asnjë nga kushtet e nenit 33, të ligjit nr. 9643, datë 20.11.2006 "Për prokurimin publik[…]».www.qpz.gov.al
Example 3: «The audit showed that, out of 11 recommendations issued in total, 6 were not implemented, 4 were fully implemented, and 1 was partially implemented, treated in detail in Annex C – Implementation of Previous Recommendations, pages 66–72 of the Audit Report». (original) shembull 3: «Nga *auditimi* rezultoi se, nga 11 *rekomandime* të lëna gjithsej, nuk janë zbatuar 6 rekomandime, janë zbatuar plotësisht 4, dhe 1 është zbatuar pjesërisht, trajtuar në mënyrë të detajuar në aneksin C – Zbatimi i rekomandimeve të mëparshme, faqet 66-72 të Raportit të *Auditimit*. www.qpz.gov.al

- *Adjectives with the suffix –al*, indirectly influenced by English through Italian. In Italian these adjectives entered due to the influence of English, where such morphological forms are highly productive. In Albanian they are classified as relational adjectives formed from nominal stems with the suffix –al (Academy of Sciences of Albania, 1996). Administrative texts frequently use adjectives such as: konfidencial (confidential), diskrecional (discretionary), referencial (referential), komercial (commercial).
- *Word groups in foreign languages or with bilingual elements*: broad access, high confidentiality, navigation system, simplicity in design, continuity links, application of resolution, breach of confidentiality, established visual identity, privacy policy, adequate policy, multilateral and bilateral cooperation.
- *Fixed word groups preceded by conjunctions and prepositions*: in accordance with the law, according to the law in force, in support of the law, by decision of the Council of Ministers, for the implementation of the regulation, contrary to Law No…, for the purpose of…, according to legal provisions…, in favor of subject X…
- *Foreign words that have become stable in bureaucratic Albanian*: franchising, part-time, task force, workshop.

Although administrative discourse is generally conservative, in recent years—due to democratic developments and Albania's opening to the world—it has increasingly incorporated English terms, often used as unadapted borrowings: action plan, brand, feedback, know-how, target.
Sometimes such borrowings are useful when they fill lexical gaps in Albanian, as in the case of franchising, which refers to a specific type of contract that cannot easily be named otherwise in Albanian. In other cases, however, the indiscriminate use of such borrowings merely reflects linguistic laziness or an unjustified preference for foreign words over Albanian equivalents. For instance, there is no reason to use part-time, task force, or workshop when Albanian equivalents exist: me kohë të pjesshme (part-time), grup pune (working group), seminar.

- *Latinisms*: Latin expressions originating from the field of law are also common, such as pro capite, de iure, de facto, par condicio, etc.
- Bureaucratic lexicon:Expressions used mainly within administrative discourse: the undersigned, the declarant, the undersigned person, processing of personal

data, protection of personal data, self-declarant, recipient of the self-declaration, authorized subject.

- *Opening and closing greeting in official correspondence*: These are rarely found outside bureaucratic contexts and derive from the high level of formality typical of administrative language: Your Lordship / His Excellency; Respectfully; Yours sincerely; In good faith; My/our regards.
- *Acronyms and abbreviations*: Institutions such as INSTAT (Institute of Statistics), KKRT (National Council of Radio and Television), KLD (High Council of Justice). As noted by Lloshi, this style does not aim for brevity or speed in delivering information but rather for a detailed presentation of objects, parts, relations, and circumstances. These characteristics inevitably lead to an excess of linguistic material relative to the neutral presentation of the same content. As a counterbalance, a tendency has emerged to lighten the text through abbreviations and conventional clichés (Lloshi, 2005).

4. Style

It is easy to demonstrate that bureaucratic discourse is not a model of stylistic elegance. For this reason, it has often been criticized by advocates of good language usage. This occurs because administrative discourse aims primarily to fulfill functional objectives while neglecting aesthetic considerations. Here we recall once again the concept of formality discussed by Fioritto. If administrative discourse follows certain criteria that enable communication to take place, the elegance of expression remains outside these criteria. The language of normative texts is characterized by a commanding tone, which can effectively emphasize the binding nature of prescriptions through formulas such as: «You are requested to appear … by the date … and not later than …»; «You are required to fulfill legal obligations»; «It is not permitted to publish confidential or classified information on government websites». www.qpz.gov.al. Even when these formulas have an advisory, exhortative, or requestive character, their prescriptive purpose must always be kept in mind, due to the binding (constraining) nature of administrative texts. All of this should serve to place the citizen before the responsibility of fulfilling the obligation in question. However, these formulas are not always effective; in some cases they may even fail to persuade or clarify for the recipient the need to comply with such obligations. For practical purposes, from a syntactic perspective bureaucratic discourse is characterized by long and complex sentences, where nominalization, participial constructions, non-finite verb forms, and infinitival constructions are particularly frequent. According to Lloshi, administrative discourse aims for complete statements with objective presentation, lacking emotional expression, systematic and uniform structures that attempt to anticipate all aspects and compress circumstances into a single place in their logical relationships with the corresponding conclusion or prescription (Lloshi, 2005).
In light of these observations, the *Dizionario di stile e scrittura* (Beltramo & Nesci, 2011) recommends that, for greater comprehensibility, the construction of sentences should be simplified by breaking long sentences into shorter ones, thereby reducing subordination. Participles and nominalizations should be controlled, and where possible the finite verb form should be preferred over non-finite forms. The finite

form not only simplifies the text but also brings the author closer to the recipient, making communication more direct and effective. Finally, in regulatory texts, direct descriptive forms should be used in order to avoid ambiguity in interpretation (Beltramo & Nesci, 2011).

5. Conclusion

Administrative discourse is considered by scholars to be a meeting point between different fields of knowledge, situated between professional practice and research needs. It intersects with linguistics and communication and constitutes an interdisciplinary sector that has brought together the contributions of linguists, jurists, and communication experts (Viale, 2008). Attention to the study of specialized discourses—and in this case administrative discourse—is justified by the need to outline the contours of a "universe" that for a long time remained unfamiliar territory for ordinary citizens. Democratic changes over the last two decades have also transformed the structure of Albanian bureaucracy. The hierarchical top-down model, based on a clear division between the state and citizens, has gradually been replaced by what Pellegrino calls a three-dimensional model, whose poles are politics, the public, and public administration (Pellegrino, 2002). According to Pellegrino, ideally these three poles should be equivalent in terms of power, and the function of public administration should be to facilitate communication between politics and the public in a context of equal participation. The clarity of administrative texts therefore strongly influences the possibilities for citizen participation and decision-making (Pellegrino, 2002). Due to its characteristics—complex vocabulary with low frequency outside specialized contexts and syntactic complexity—bureaucratic language risks having limited comprehensibility or being interpreted differently by different social groups. This problem becomes particularly evident when communication crosses institutional boundaries and addresses citizens directly. In many cases, administrative texts appear more oriented toward fulfilling formal obligations than toward establishing a symmetrical relationship with the recipient. What emerges is that, for the sake of effective communication, the specialized vocabulary associated with specific contexts should be shared more broadly within the Albanian language. In reality, however, this is not always possible for all social groups. Public administration does not always manage to communicate effectively with its audience because that audience is heterogeneous. In several countries, including Switzerland and nearby Italy, the need to simplify public discourse has led to initiatives promoting clearer administrative language. In Italy, such initiatives produced the Codice di stile, which preceded the Manuale di stile—two works addressed to public administration that highlight a series of general guidelines for simplifying administrative texts (Viale, 2008).
These works propose interventions at two levels:
1. Linguistic form – lexicon and syntax, involving the decomposition of information into units and distinguishing primary information from secondary supporting information.
2. Logical organization of content – how pieces of information are linked and the clarity of these relationships (Viale, 2008).

This is not an easy undertaking, as it requires time, specialized groups, research, and resources. However, it is worth noting that such initiatives promoting linguistic simplification have existed for years in other countries, aiming to make citizens feel better understood and to reduce the harshness often associated with bureaucracy (Pellegrino, 2002). Today the general public encounters bureaucratic language even outside its institutional context. Journalistic and television reporting frequently reproduce administrative discourse. As a result, this language appears to enjoy a certain prestige among broad segments of the population. Scholars note that this discourse is perceived as the language of authority and that its tone and technical features make it appear elegant and cultivated, especially among speakers with limited cultural exposure, for whom administrative texts may represent one of the few written models they encounter (Fortis, 2005). Administrative discourse evolves slowly—certainly more slowly than other forms of language. While newspaper articles or advertisements today differ significantly from those produced a few years ago, the same cannot be said for ministerial decrees, normative acts, or similar documents.A historical overview of changes in administrative discourse has been provided by Lloshi in *Stilistika e gjuhës shqipe dhe pragmatika* (2005). Among other aspects, he highlights the reintroduction of vocabulary that had been removed during the dictatorship due to ideological connotations. It would be interesting to continue such studies to observe how administrative language has changed over time depending on the orientation of the ruling administration. This has also shaped administrative culture and generated new forms of communication and negotiation. Nevertheless, despite certain aspects that still require improvement, an important change should be emphasized: today the citizen is no longer viewed as subordinate but as a client (Viale, 2008).

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Skeletal anchorage in class ii malocclusion

Sidrit Beqiraj
Department of Dentistry, Faculty of Medical Sciences, Albanian University, Tirana, Albania

Abstract

Class II growing patients can be successfully treated with removable and fixed functional appliances. The fixed appliances treatment has shown good results even in post-pubertal patients. Nevertheless this therapy may produces side effects, such as lower incisors proclination and upper incisors retroclination which could reduce mandibular forward advancement. Temporary anchorage devices like miniplates and miniscrews associated with fixed functional appliances offer a better possibility to control such sides effects treatment, while improving the profile and soft tissue adaptation.

Keywords: Skeletal anchorage; Class II; miniplate; miniscrews.

Introduction

Class II malocclusions are the most common orthodontic problems in clinical practice.. The most common feature of this malocclusion is a retrognatic mandible position (1,2). Over the course of years have been proposed different treatment approaches (2,3,4).
These include the fix functional appliances such as the Herbst (5), Forsus (6), MARA (7) and others. The most common used removable functional appliances are the Twin Block (8), Bionator, Fränkel (9) and others.
Because mandibular growth stimulation is also possible in post-adolescent young adults, a new concept of Class II therapy has been proposed, in which the Herbst appliance provides an alternative to orthognathic surgery (10).
Due to anchorage loss side effects of Herbst have been reported, which include poor control of lower and upper incisors, as well as the uncontrolled movement of posterior teeth. Maxillary incisors retroclination and mandibular incisors proclination could reduce mandibular advancement space.
Many articles in orthodontic literature in the recent years have reported that a better control of unfavorable teeth movements may lead to greater skeletal effects (11,12).
This case report describes the results of a Class II post-pubertal patient treatment using a skeletally reinforced Herbst with a mandibular miniplate and miniscrews inserted in upper arch as anchorage reinforcement to improve the patient aesthetic requirements and to reduce side effects of traditional Herbst treatment.

Case presentation

A 16-year-old patient presented with his parents with a chief complaint of an unattractive smile and profile, mainly due to a deficient chin projection. The facial analysis showed a convex profile with mandibular retrusion, an hypodivergent facial type and normal lip protrusion with a proper nasolabial angle.The intraoral clinical

examination revealed sagittal relationships of molar and canine Class II malocclusion, deep bite, 9 mm overbite, 6 mm overjet, increased Spee curve, decreased transversal development of the upper arch, and mild crowding in the upper and lower arch (Fig.1 and Fig.2**).** The patient asked for treatment because the chin was not well-projected and his teeth were misaligned. Panoramic radiography and lateral cephalogram were required to confirm the diagnostic hypothesis and to evaluate incisors proclination. The cephalometric analysis revealed a skeletal Class II, hypodivergence and normal inclination of the upper and lower incisors (Table)

Treatment Objectives

The treatments goals were aesthetic and functional. The objectives of the treatment were:

- Improving chin projection and correction of skeletal Class II;
- Correction of the transverse dimension of the upper arch;
- Alignment and leveling of upper and lower teeth;
- Resolution of Class II molar and canine relationships;
- Resolution of deep bite;
- Correction of the lower Spee curve;
- Occlusion finishing and retention.

The treatment aimed to correct Class II malocclusion with mandibular advancement without loss of anchorage for a better chin projection, to improve the upper transverse dimension, and to avoid mandibular incisors proclination.

Treatment Alternatives

The conventional treatments without skeletal anchorage, could effectively correct Class II malocclusion but it could not avoid side effects due to the anchorage loss, such as lower incisors proclination, thus reducing the mandibular forward advancement.

Treatment Progress

To achieve the treatment objectives, a hybrid palatal expander was initially applied, anchored to two palatal miniscrews and to first upper molars bands, to expand the upper arch in the transverse direction. After expansion, the MiniScope Herbst appliance was applied and anchored superiorly to the hybrid palatal expander to allow mandibular advancement and at the same time avoid excessive retroclination of the upper incisors and distalization of the upper molars, which could lead to an excessive increase in the nasolabial angle. (Fig.3 and Fig.4**).**

In the mandible, a customized miniplate was inserted using a surgical insertion guide based on 3D images from patient CBCT scan. The Herbst appliance was anchored to a customized lower miniplate fabricated by selective laser melting (SLM). After adequate mandibular advancement was obtained, after 11 months, the telescopic components of the Herbst appliance and the lower miniplate were removed.

At the next appointment, a fixed multibrackets appliance with MBT prescription values was applied in upper and lower arches (Fig.5**).** Intermaxillary elastics with a diameter of 1/4" and 4 ½ oz were used, to consolidate class II correction. For the retention protocol, Essix retainers were used in both arches.

Treatment Results

Treatment lasted 28 months. Treatment goals were reached: correction of class II malocclusion was obtained, bilateral molar and canine class I occlusion was achieved, alignment in both arches and deep bite were corrected and the face's and smile's aesthetic was improved.
Treatment started with the objective to obtain expansion in the upper arch using an Hybrid Hyrax Expander with both palatal miniscrew anchorage and first molars bands. The hybrid protocol was selected both to improve skeletal expansion and to avoid the loss of anchorage of the first upper molars during mandibular advancement.
After 22 activations, two activations a day, the Hybrid Hyrax Expander was stabilized and maintained in situ for the next 9 months to promote suture ossification. At this time, it was bonded to the Herbst device. The Herbst device was reinforced by TADs. In the upper arch, two palatal TADs (Spider Screw Regular Plus -HDC s.r.l., Thiene, Vicenza, Italy) were inserted to improve skeletal expansion and to avoid molar distalization during jaw advancement. In the lower arch, a customized miniplate, fixed with four miniscrews, was inserted on the mandibular symphysis to avoid lower incisors proclination. Once sagittal discrepancy was solved, after 10 months, treatment continued with a fixed multi-brackets therapy in upper and lower arches with a MBT prescription value. Multibrackets treatment objectives were alignment, levelling and occlusion finishing. To complete Class II correction and to finish the occlusion intermaxillary elastics were used.
Total treatment time was 28 months, which was adequate considering the initial malocclusion, sagittal discrepancy, deep bite and patient's age (Fig.6)
Essix retainers was applied to both arches at the end of therapy.

Discussion

Skeletally anchored assisting fixed functional appliances such as the Forsus TM Fatigue Resistant Device and the Herbst appliance have been shown to be effective in improving skeletal relationships (13,15,16). Other studies have proposed a four miniscrews approach to further improve the skeletal result of fixed functional appliances [14] with favorable results.
In this case, we described the Herbst treatment with two miniscrews in the upper arch and a miniplate in the lower arch to obtain an improved skeletal correction with minimum anchorage loss. Conversely to the buccal miniscrew placement as other authors reported, the upper miniscrews were placed in the anterior area of the palate, allowing different advantages: easier insertion, lower risks roots lesions, simultaneous use for hybrid expander, and upper teeth free to move.
Considering patient's age, from a biomechanics point of view, this anchorage addi-

tionally allowed the following results: maxillary expansion with noteworthy skeletal component, reduction of the upper incisor palatal inclination, upper molar distalization and intrusion effect of the Herbst.
This Herbst treatment finally resulted in a greater skeletal effect and a better control of maxillary and mandibular incisor position and maxillary molar distalization
A standard Herbst appliance therapy generally obtained a skeletal correction up to 60-65% of the Class II relationship (15,16,17).
Pancherz described other options to reduce the effect of lower incisors inclinations such the labial-lingual anchorage, premolar-molar anchorage, and class III elastics. Nevertheless all the systems produced an incisors proclination between 3° and 12° post-Herbst treatment.
Manni et al. evaluated the effectiveness of Herbst treatment with an acrylic splint Herbst appliance adding miniscrews in the lower arch; they showed that the skeletal anchorage reduced mandibular incisors proinclination and increased the orthopedic effect of Herbst treatment.
V. Bremen et al. (18) assessed whether mandibular anchorage loss during treatment with Herbst/multibracket appliances can be prevented, using inter-radicular miniscrew anchorage. They showed that this anchorage reduce proclination of the lower incisors to a small extent and was not of clinical relevance. The amount of incisor proclination and protrusion remained unpredictable.
In this case, the lower incisors showed a final proclination of less than 1.0° after the comprensive therapy; these results are similar to those previously published using skeletal anchorage reinforcement (Fig.7).
The upper incisors position was maintained, avoiding naso-labial angle reduction and simultaneously allowing a crowding solution; these results may be attributed to the Hybrid
Expander, which allowed a significant amount of skeletal expansion in the upper arch and consequently a significant arch length increase. Miniscrews in the anterior area of the palate also had a significant role on the upper first molars avoiding distal and intrusive movement.
The success of this approach is related to the miniscrew and miniplate stability, which was successful for both arches. The literature reported skeletal anchorage failure for the miniscrews in the lower arch between 17 and 30% with Herbst-like appliances, with a higher success rate for the palatal insertion site (19,20). We use the miniplate in the lower arch to have a better stability for Herbst appliance, considering the patient's age. This approach should also be proposed to those patients where the initial lower incisors are excessively proclined and an important maxillary expansion is needed.
In this perspective, the palatal approach is more advantageous than the buccal approach, to reach a greater miniscrews success rate and to allow more favorable biomechanics for a hybrid hyrax expansion.

Summary and conclusions

Herbst treatment side effects in Class II patients, such as lower incisors proclination, upper molar distalization and upper incisors retroclination, were successfully controlled by the means of two miniscrews in the anterior area of the palate and a miniplate in the lower arch as anchorage reinforcement. The anchorage is provided

by the upper Hybrid palatal expander and the miniplate in the mandible. Lower incisors control leads to a better mandibular advancement.

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Table

Cephalometric analysis

Norm	Pretreatment	Post-treatment
Maxilla to cranial base		
SNA	82.0°	83.0°	82.5°
Mandibul to cranial base		
SNB	80.0°	76.5°	80.5°
SN-NP	32.0°	28.5°	33.5°
Maxillo-mandibular		
ANB	2.0°	6.5°	1.5°
Wits	-1.0 mm	7.0 mm	2.0 mm
Maxillary dental		
U1-PP	110°	105°	111°
Mandibular dental		
L1-MP	90.0°	90.5°	91.5°

Fig 1 Pret reatment facial and intraoral photographs. 16 year-old patient with Class II malocclusion, convex profile, mandibular retrusion.

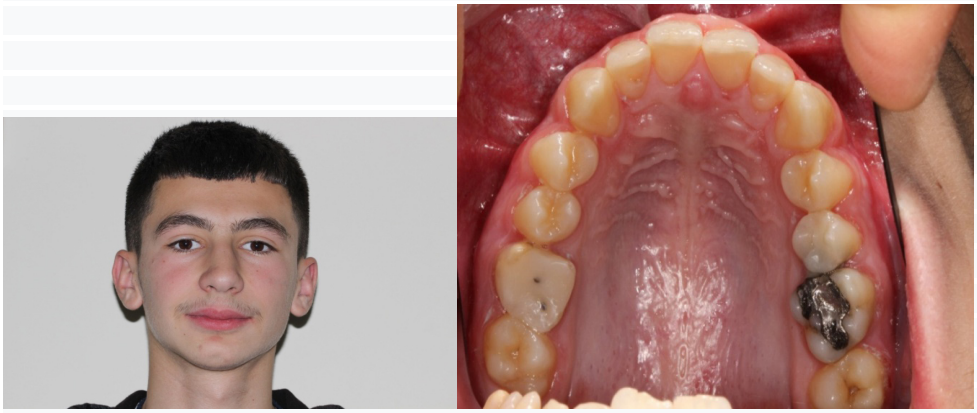

Fig. 2 Pretreatmen lateral cephalogram.

Fig.3 Hybrid palatal expander: a) after cementation b) after expansion

a) b)

Fig 4. Herbst appliance fixed on lower minimplate

Fig. 5 Fixed appliances phase with .022 MBT prescription brackets bonded on both arches.

Fig.6 Post-treatment facial and intraoral photographs.

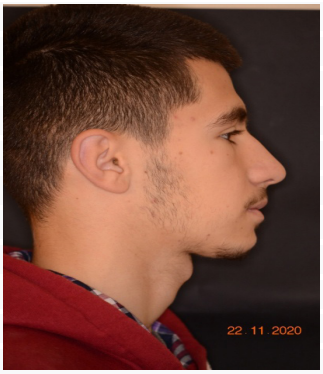

Fig.7 Post-treatment lateral cephalogram

Psychologists and social workers in child divorce cases

PhD (C.) Manjola Islamaj
European University of Tirana (UET), Tirana, Albania

Matilda Çela
Judge

Esmeralda Shehu
Judge

Abstract

The judicial process of divorce involves not only the dissolution of the marital relationship between spouses but also the regulation of issues related to parental responsibility and the protection of the child's best interests. In the Albanian legal framework, Article 155 of the Family Code regulates the determination of parental responsibility and child custody after divorce. In these proceedings, the court often appoints a psychological expert to assess the emotional and psychological condition of the parents and the child.
However, this judicial practice raises several legal and practical concerns. According to the Law on the Rights and Protection of the Child, which in certain situations prevails in the interpretation and application of legal provisions concerning minors, an important role is attributed to child protection structures and social workers. The social worker is responsible for collecting social data, assessing family living conditions, and conducting field observations regarding the child's environment.
In practice, the absence or limited involvement of social workers in divorce proceedings may lead to an incomplete evaluation of the family's social and living conditions. Meanwhile, the appointment of a psychological expert frequently generates additional financial costs for the parties involved in the legal process. This raises the question of the practical interest of the court in appointing a psychologist when a social worker, acting as a professional third party, could provide comprehensive social assessments regarding the family environment and the child's living conditions.
Therefore, this study analyzes the balance between the roles of the psychologist and the social worker in divorce proceedings, emphasizing the need for a more integrated interdisciplinary approach. Such an approach would ensure that judicial decision-making is based on a complete assessment of both the psychological and social realities of the family while safeguarding the best interests of the child.

Keywords: Divorce proceedings; Child custody; Social worker; Psychological expert; Best interests of the child; Judicial decision-making.

1. Introduction

One of the main challenges currently encountered in the judicial system, particularly in court decision-making in family law cases, concerns divorce proceedings in which minors are involved. Such proceedings require, as a fundamental principle, the assessment and protection of the best interests of the child, ensuring that every judicial decision takes into consideration the child's family, social, and psychological circumstances (UNICEF, 2021; European Commission, 2022).

Within this framework, Albanian legislation provides for the involvement of specialized experts. In particular, the Family Code of the Republic of Albania, in Article 155, explicitly provides that in judicial proceedings concerning the rights of minors, the court may request the assistance and presence of a psychologist or a social worker in order to assess the family situation and ensure the protection of the child's interests (Republic of Albania, Family Code 2003).

At the same time, in practice it is observed that the institutional responsibility for collecting family-related information and inspecting the living conditions of the child primarily belongs to the social worker within local government units. In cases involving situations of violence or risk to the child, this function is exercised by the Child Protection Worker, who has the legal duty to monitor the family situation and intervene in order to safeguard the rights of the minor, as provided by Law No. 18/2017 on the Rights and Protection of the Child (Republic of Albania, 2017).

However, judicial practice in divorce proceedings often reveals a tendency to systematically request the presence of a *psychologist*. Undoubtedly, the presence of a psychologist may present certain advantages, since psychological reports may evaluate family relationships, the emotional condition of the child, and provide recommendations regarding the relationship the child should maintain with each parent following the separation (Birnbaum & Bala, 2021; Smyth, 2022).

On the other hand, the role of the psychologist remains limited with regard to the collection of factual information concerning the economic and social conditions of each parent. These elements are, in practice, more easily verified by the social worker, who has institutional access to gather information within the family, at school, and within the community, as well as the ability to monitor the family situation in accordance with the legislation on the protection of children's rights (Parton, 2020; Spratt & Callan, 2021).

Another issue concerns the fact that psychologists are frequently engaged privately and paid by the parties involved in the proceedings. This creates an additional financial burden for the parties, particularly in situations where their economic resources are limited. Although the law provides that the court may choose between appointing a psychologist or a social worker, judicial decisions often lack a clear justification as to why a psychologist is selected instead of a social worker (Fehlberg et al., 2021).

Furthermore, the involvement of child protection units as third parties in the proceedings could enable the provision of relevant information without imposing additional costs on the parties. In this way, the financial burden associated with expert reports could be reduced, thereby improving access to justice (European Commission, 2022).

2. The Expert Psychological Report as a Non-Binding Instrument for the Court

With regard to the expert report submitted by psychologists, it is necessary to highlight several important circumstances related to the way such evaluations are conducted in practice.

First, it should be emphasized that the psychologist's report, from a procedural perspective, does not constitute a binding act for the court. It serves merely as an

auxiliary instrument intended to assist the judge in forming his or her conviction rather than as evidence that obliges the court to decide in accordance with its conclusions (Mandro, 2009; Omari & Anastasi, 2010).

In practice, psychological assessments are usually carried out through several relatively brief meetings conducted in the psychologist's office with each parent and the child, and sometimes with all of them together. These meetings aim to evaluate the relationships between the parents and the child and the way these relationships' function following the family conflict (Birnbaum & Bala, 2021).

However, in many cases the psychologist does not conduct direct observation in the child's living environment and does not analyze the child's behavior in the real conditions of daily life with each parent (Smyth, 2022).

Following these limited interactions, psychologists often provide recommendations regarding which parent should be granted custody of the child. In many cases, the other parent is granted only limited visitation rights, usually one or two days during the weekend and occasionally one day during the week (Fehlberg et al., 2021).

Such practices may result in the minimization of the role of the non-custodial parent without sufficient reasoning to justify such limitations. Limiting the parent–child relationship to a reduced period of time may negatively affect the maintenance and development of that relationship (Cashmore & Parkinson, 2020).

Another issue concerns the perception that sometimes emerges in practice that the child should remain almost exclusively with the custodial parent while the other parent assumes only a secondary role. Such an approach contradicts the principle of shared parental responsibility and the spirit of modern legislation concerning the protection of children's rights (Convention on the Rights of the Child, 1989).

3. The Role of the Social Worker in Judicial Proceedings

The role of the social worker in judicial proceedings involving minors is of particular importance. Although Albanian legislation provides for the presence of a social worker, it does not clearly specify whether this professional should be appointed by state institutions or by the private sector.

Considering the institutional responsibilities assigned by Law No. 18/2017, it would be appropriate for the social worker involved in judicial proceedings to be primarily part of the structures of local government units (Republic of Albania, 2017).

A social worker employed within an administrative unit has the ability to conduct a more comprehensive evaluation of the family situation. Such a professional may collect material and social information and carry out inspections in the environment where the child lives (Parton, 2020).

This type of observation allows the social worker to analyze more accurately the parent–child relationship, the level of parental care, and the organization of the child's daily life (Spratt & Callan, 2021).

Furthermore, the social worker has the possibility to gather information from other institutions such as schools, kindergartens, or healthcare institutions. Through such cooperation, valuable information may be obtained regarding parental involvement in the child's education, participation in school activities, and the overall development

of the child (European Commission, 2022).
Another important element concerns the competencies granted by legislation to child protection structures. In cases of violence, neglect, or risk to the child, the Child Protection Worker may propose and implement protective measures, including the removal of the child from a dangerous environment (Republic of Albania, 2017).
These competencies demonstrate that the law assigns a significant institutional role to child protection structures in safeguarding the best interests of the child (UNICEF, 2021).

4. Concluding Analysis

The analysis of the roles of psychologists and social workers in judicial proceedings concerning divorce and parental relations with minors demonstrates that current judicial practice often relies heavily on psychological reports, while the role of social workers and public child protection structures remains secondary (Fehlberg et al., 2021).
However, such an approach does not fully reflect the spirit of Albanian legislation concerning the protection of children's rights (Republic of Albania, 2017).
Psychological reports and social reports should therefore be considered complementary instruments rather than mechanisms that exclude one another (Birnbaum & Bala, 2021).
Psychological assessments provide valuable insights into the emotional and psychological dimensions of family relationships, while social reports offer a broader analysis of the child’s real living conditions, including social, economic, and environmental factors (Parton, 2020).
A balanced judicial approach that takes into consideration both types of assessments would contribute to more accurate and sustainable judicial decisions while ensuring the effective protection of the best interests of the child (European Commission, 2022).

5. Recommendations

Based on the above analysis, several recommendations may be proposed in order to improve judicial practice and ensure better protection of children involved in divorce proceedings.
First, courts should adopt a more balanced approach when evaluating psychological and social reports.
Second, courts should more frequently request reports prepared by public child protection structures, particularly by Child Protection Workers who possess institutional competence and access to relevant information.
Third, expert reports should include a broader analysis of the factors affecting the child’s well-being, including economic conditions, living environment, and parental involvement in the child’s education and social development.
Fourth, expert evaluations should avoid unjustified limitations on the child’s relationship with either parent. The principle of shared parental responsibility requires that both parents remain actively involved in the child’s life after divorce.

Finally, the involvement of experts in judicial proceedings should not impose excessive financial burdens on the parties. The use of reports prepared by public child protection institutions may help reduce costs and improve citizens' access to justice.

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Artificial Intelligence, Algorithmic Profiling and the Limits of Pre-emptive Criminal Control. Challenges to Fundamental Rights and Due Process

Gentian Koci
Aleksandër Moisiu University of Durrës, Albania

Abstract

Artificial intelligence, as an integral part of criminal justice, is widely applied in areas such as predictive policing, facial recognition, behavioural monitoring, and algorithmic risk assessment. In the technological reality, these tools are often presented as innovative, more efficient and objective ways to prevent crime and support decision-making. On the other hand, their use in everyday life also raises deep social and legal concerns. Criminal justice is gradually moving away from reacting to committed criminal offences towards prevention and intervention based on predicted risk.

This paper examines the legal and ethical limits of algorithmic profiling in criminal law. Its focus is on the legal consequences that arise when individuals are monitored, classified or treated as potential threats, not because of what they have done, but because of what an automated system predicts they might do. In such situations, the use of artificial intelligence can put pressure on fundamental principles of criminal justice, including the presumption of innocence, equality before the law, proportionality, legal certainty and the right to a fair trial.

Particular attention is paid to the ambiguity of algorithmic systems, the possibility of bias in data sets and the practical, technical, but mostly legal, difficulty of challenging or reviewing automated assessments that appear technically neutral. The article highlights that the use of AI in criminal justice cannot be accepted simply because it is innovative or efficient. Its legitimacy depends on clear legal boundaries, effective human oversight, public transparency, accountability and strong procedural safeguards.

The central argument of this paper is that without such safeguards, algorithmic profiling risks transforming criminal justice into a system of preventive control, in which reasonable suspicion is replaced by prediction and human rights are diminished or extinguished in the name of security.

Keywords: artificial intelligence; algorithmic profiling; predictive policing; criminal justice; fundamental rights; due process.

1. Introduction

The use of artificial intelligence in criminal justice[1] is no longer simply a technical development that aids data analysis or increases procedural efficiency, but rather represents a deeper shift in how criminal control is understood and exercised. In

[1] Ferguson, A. (2025). Generative Suspicion And The Risks Of AI-assisted Police Reports. Northwestern University Law Review, 120(2), 299-363.

modern practice, algorithmic systems are increasingly being used to predict criminal risk, for biometric identification, for monitoring behaviour, and for profiling individuals based on the probability of involvement in criminal activity. This shift marks a significant shift from a criminal justice system that relies on reacting to the crime committed to a model that aims for preventive intervention based on anticipated risk, raising serious questions about the acceptable limits of state intervention[2].

Unlike traditional criminal investigation tools, algorithmic profiling relies on the analysis of large amounts of data, statistical relationships, and probabilistic models to predict future behaviour. In this context, an individual can be treated as a higher risk subject not because of proven behaviour, but because of an automated assessment of what he or she is likely to do. Such an approach risks replacing the traditional standard of reasonable suspicion, grounded in concrete and verifiable facts, with a logic based on probability and prediction, thereby creating a direct tension with the basic principles of criminal law and criminal procedure. [3].

These concerns no longer remain purely theoretical; they are also clearly reflected in the European normative framework. The European Union Regulation on Artificial Intelligence (AI Act) prohibits the use of AI systems.[4] to individually assess or predict a person's risk of committing a criminal offence when such assessment is based on profiling or the analysis of personality traits. At the same time, Directive (EU) 2016/680 requires Member States to ensure that individuals are not subject to decisions based solely on automated processing, including profiling, which produce adverse legal consequences or significantly affect them, without appropriate procedural safeguards [5]. In the same vein, the Council of Europe Framework Convention on Artificial Intelligence requires that the use of AI systems respect the principles of transparency, accountability, non-discrimination and the right to an effective remedy.[6]

These developments have also found a normative reflection in the Albanian legal system. The Constitution of the Republic of Albania guarantees[7] the presumption of innocence and the right to a fair trial[8], setting clear limits on the state's criminal intervention [9].

At the same time, Law No. 124/2024 "On the Protection of Personal Data" defines

[2] Andrew Guthrie Ferguson, The Rise of Big Data Policing: Surveillance, Race, and the Future of Law Enforcement (NYU Press, 2017), pp. 3–9.

[3] Bernard E. Harcourt, Against Prediction: Profiling, Policing, and Punishing in an Actuarial Age (University of Chicago Press, 2007), pp. 32–38.

[4] AI Act: European Union's landmark legislation for artificial intelligence regulation. - Arts Painter https://www.artspainter.com/blog/ai-act-european-unions-landmark-legislation-for-artificial-intelligence-regulation-response-ai-act-european-unions-landmark-legislation-for-artificial-intelligence-regulation/

[5] Directive (EU) 2016/680, art. 11; see also Sandra Wachter, Brent Mittelstadt & Luciano Floridi, "Why a Right to Explanation of Automated Decision-Making Does Not Exist in the GDPR", International Data Privacy Law, Vol. 7, No. 2 (2017), pp. 99–102.

[6] Council of Europe, Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law (CETS No. 225, 2024), arts. 8–14.

[7] Hajdini, B. (2014). The Albanian mechanism for guaranteeing the right to compensation for unjust imprisonment and wrongful conviction, in the light of obligations arising from international acts. Academicus International Scientific Journal. https://core.ac.uk/download/152489943.pdf

[8] Nagy, A. (2016). The presumption of innocence and of the right to be present at trial in criminal proceedings in Directive (EU) 2016/343. https://core.ac.uk/download/163100569.pdf

[9] Constitution of the Republic of Albania, articles 30 and 42.

profiling as any automated processing of personal data intended to evaluate or predict aspects of an individual's behaviour, reliability, or characteristics. Also, Article 53 of this law prohibits the taking of individual decisions based solely on automated processing, including profiling, when these decisions produce legal consequences or significantly affect the subject, except in cases provided for by law and accompanied by appropriate and coherent legal guarantees [10].

In this context, the fundamental question that arises is whether and to what extent the use of algorithmic profiling in criminal justice can be harmonised with the basic principles of the rule of law. This paper defends the thesis that artificial intelligence, especially in the form of algorithmic profiling, represents not simply an advanced technical tool, but a mechanism that risks changing the very rationality of criminal control, shifting it from a system based on responsibility for the real criminal fact towards a system oriented towards the prior technological control of risk. In the absence of clear legal limits, transparency, and a real possibility of control and objection, this development may lead to the weakening of the basic procedural guarantees of due process of law and to a contraction of the protection of individual rights in the name of security [11].

2. **From reasonable suspicion to algorithmic prediction**

One of the most significant transformations that artificial intelligence brings to the criminal field is not only the increase in the technical sophistication of the tools used by authorities, but also the gradual shift in the very threshold on which criminal intervention is based. Traditionally, the criminal system has been built on a reactive logic in which the state intervenes only after concrete facts, verifiable behaviour, and objective elements create a reasonable suspicion of a person's involvement in a specific criminal activity. Within this model, reasonable suspicion does not simply represent a procedural standard, it also serves as a guarantee against state arbitrariness because it links the exercise of criminal power to an identifiable and legally verifiable factual basis [12].

This balance is challenged by the use of algorithmic systems, which are not limited to the analysis of existing evidence but aim to generate inferences about future risk. Andrew Guthrie Ferguson has emphasized that the transition from “small data” to “big data” does not simply mean an increase in the amount of information available to law enforcement agencies, but also a transformation of the concept of suspicion itself, since the knowledge of the individual no longer stems from the direct observation of his behavior by law enforcement agencies, but from the collection, correlation and predictive interpretation of his digital traces. In this sense, criminal suspicion risks becoming disconnected from real, concrete behaviour and relying increasingly on algorithmic statistical models, risk indicators and correlations predetermined or created by the system itself [13].

[10] Law No. 124/2024 “On the Protection of Personal Data”, article 5 (definition of profiling) and article 53.

[11] Mireille Hildebrandt, Smart Technologies and the End(s) of Law (Edward Elgar, 2015), pp. 181–187; Frank Pasquale, The Black Box Society (Harvard University Press, 2015), pp. 1–18.

[12] Andrew Guthrie Ferguson, “Big Data and Predictive Reasonable Suspicion”, University of Pennsylvania Law Review, Vol. 163, No. 2, 2015, pp. 327–330; Directive (EU) 2016/680, art. 11.

[13] Andrew Guthrie Ferguson, “Big Data and Predictive Reasonable Suspicion”, pp. 329–330, 353–360.

This development is of fundamental importance not only on the technical level, but above all on the theoretical and coherent level of criminal law. The moment that criminal intervention begins to be justified on the basis of the probability that an individual may commit a criminal offence, the centre of gravity of the criminal system shifts from responsibility for the criminal fact to the prior technological management of risk. In this perspective, algorithmic profiling is not presented simply as a new verification instrument, but as a mechanism that brings criminal justice closer to the logic of preventive control. Karen Yeung defines algorithmic regulation as a form of decision-making oriented towards the management of risk and the impact on behaviour, through the systematic collection and continuous processing of data, transplanted and implemented in the criminal field. This logic changes the very nature of state intervention, as it links it to the prediction and not to the ascertainment of a criminal fact that has already occurred [14].

In the European normative plan, this risk is clearly addressed by Article 5(1)(d) of the AI Act, which prohibits the use of artificial intelligence systems to carry out assessments or predictions on the risk of a natural person committing a criminal offence, when such an assessment is based solely on profiling the individual or on the analysis of his or her personality traits and characteristics. The way this provision is formulated is particularly important, as it shows that the European legislator considers it unacceptable to replace the objective basis of the intervention with probabilistic profiles generated by technological systems. Even in cases where the AI Act allows the use of support systems for human assessment, it requires that the human assessment be based on objective, verifiable facts and directly related to a criminal activity [15].

The same logic is also reflected in the framework of data protection for criminal purposes. Directive (EU) 2016/680, in Article 11, provides that individual decision-making based solely on automated processing, including profiling, shall not be permitted when it produces adverse legal effects on the person, except in cases where this is provided for by law and is accompanied by appropriate legal safeguards. In the same vein, Albanian Law No. 124/2024 is also in line, which defines profiling as a form of automated processing used to evaluate or predict elements relating to the behaviour, reliability, location or movements of an individual. Similarly, Article 53 of this law prohibits individual decision-making based solely on automated processing, including profiling, when it produces legal consequences or significantly affects the subject, requiring the existence of a legal basis and specific safeguards [16].

At this point, it becomes clear that the shift from reasonable suspicion to algorithmic prediction does not simply represent an operational improvement of the techniques of investigative bodies, but a deeper transformation of the legal rationality that legitimises the exercise of criminal force. While reasonable suspicion, in the classical sense, requires individualisation based on concrete facts, the algorithm produces a form of individualisation based on data, models and correlations. This new form of "individualisation" may create the impression of neutrality, because it excludes

[14] Karen Yeung, "Algorithmic Regulation: A Critical Interrogation", Regulation & Governance, Vol. 12, No. 4, 2018, pp. 505–509, 518–523.

[15] Regulation (EU) 2024/1689 (AI Act), art. 5(1)(d); see also article 42.

[16] Directive (EU) 2016/680, art. 11; Law no. 124/2024 "On the protection of personal data", article 5/ 22, and article 53.

the subjective human element and relies on technical outputs, but in essence, it risks being less transparent and less controllable from a legal point of view. Mireille Hildebrandt has argued that profiling generates new forms of technical norms, which precede legal intervention and can violate individual autonomy and the principle of the rule of law, precisely because the individual becomes the object of an invisible categorisation, but with concrete consequences [17].

This is why the debate on the use of artificial intelligence in criminal justice cannot be reduced simply to the question of whether algorithms are more accurate than humans. Even a technically very advanced system remains problematic from a criminal law perspective if it contributes to lowering the threshold for criminal intervention, shifting the focus from proven behaviour to predicted risk. In this sense, the fundamental problem lies not only in the possibility of error, but in the fact that prediction tends to replace reasonable doubt, while the statistical category tends to take the place of a legally provable fact [18] [19] [20].

In the context of this transformation, the following sections of the paper examine not only the use of algorithmic profiling as a technology but also its impact on the fundamental foundations of criminal legitimacy. For the moment, the penal system begins to act not on what has been done, but on what a model predicts might happen, it enters an area where the boundary between lawful prevention and preliminary criminal control becomes increasingly blurred [21].

3. **Algorithmic profiling as a form of pre-emptive criminal control**

Algorithmic profiling in the criminal field should not be understood as a neutral technical instrument that simply facilitates the sorting of information, but as a mechanism that produces legally meaningful categorisations of individuals on the basis of data, indicators and probabilistic inferences. Essentially, it is based on the idea that through the analysis of previous behaviours, individual characteristics, movements, contact networks or digital traces, risk profiles can be constructed, capable of directing the attention of law enforcement authorities towards persons who appear to be potentially more dangerous. In this way, the profile does not remain a mere statistical description, but becomes an operational and influential basis for institutional decision-making. It is at this point that profiling moves from the level of information processing to the level of the exercise of criminal power [22] [23].

[17] Mireille Hildebrandt, "Profiling and the Rule of Law", Identity in the Information Society, Vol. 1, 2008, pp. 55–70, especially pp. 56–60, 67–69.

[18] Sandra Wachter, Brent Mittelstadt and Luciano Floridi, "Why a Right to Explanation of Automated Decision-Making Does Not Exist in the General Data Protection Regulation", International Data Privacy Law, Vol. 7, No. 2, 2017, pp. 76–99, especially pp. 76–82, 94–99;

[19] Blerina Bulica, "Reflections on the Impact of IT and AI-Based Tools in Judicial Systems", Albanian Law Journal, 2024, p. 5

[20] Iris Shehaj and Maend Kullaj, "Evidence Generated Through Artificial Intelligence: Criminal Justice Challenges in the Digital Age", Albanian Law Journal, 2025, pp. 3–5

[21] Andrew Guthrie Ferguson, “Big Data and Predictive Reasonable Suspicion”, pp. 383–384; see also Yeung, “Algorithmic Regulation: A Critical Interrogation”, pp. 518–523.

[22] Karen Yeung, “Algorithmic Regulation: A Critical Interrogation”, Regulation & Governance, Vol. 12, No. 4, 2018, pp. 505–509.

[23] Mireille Hildebrandt, “Profiling and the Rule of Law”, Identity in the Information Society, Vol. 1, No. 1, 2008, pp. 55–60.

In the critical literature, this transformation has been directly linked to the transition from the classical model of criminal response to the model of risk management. Bernard Harcourt has pointed out that the current logic of profiling no longer requires individualisation on the basis of concrete facts, but on the basis of the individual's belonging to statistical categories constructed by the system itself. This means that a person may come to the attention of the authorities not because he has committed or is committing a certain criminal act, but because he fits a previous pattern of behaviour considered risky. In this sense, algorithmic profiling represents not only a new technique for recognising criminal reality, but also a new technique for producing the "suspicious" criminal subject [24].

A fundamental feature of this model is that it bases preventive intervention not on traditional legal individualisation, but on statistical individualisation. Instead of the state starting from the criminal fact to reach the perpetrator, the algorithmic system starts from the data and moves towards the identification of a subject who is classified as a possible carrier of risk. In this way, the profile generated by the algorithm begins to take on the function of an operational substitute for suspicion. This poses a particular problem in the field of criminal justice, because reasonable suspicion does not constitute a technical threshold of efficiency, but a legal standard conceived to limit state arbitrariness. The closer the statistical profile approaches the function of legal suspicion, the weaker the link between criminal intervention and the verifiable fact [25].

This dynamic is clearly evident in areas such as predictive policing, behavioural monitoring and algorithmic risk assessment. In the case of predictive policing, profiles are built to identify individuals, groups or areas where the probability of criminality is considered higher. In the case of behavioural monitoring, the system processes data on movements, routines, associations and interactions in order to identify deviations from patterns considered normal. Whereas in the case of algorithmic risk assessment, an individual is attributed a score[26] or a category that influences the way he is perceived by institutions. Although these uses are often presented as auxiliary tools and not as decision-making mechanisms, their practical effect is that they structure the field of criminal attention and prepare the ground on which public authority will intervene [27].

From a legal point of view, the problem does not lie only in the possibility that the algorithm may be wrong. Even in cases where the system produces statistically reliable results, the very logic of its use remains debatable, if it leads to differential treatment of individuals before there is a sufficient factual basis for legal intervention. In such a situation, criminal control begins to take on the features of a preliminary control, where the real object is no longer the criminal offence committed, but the potential risk attributed to a person. It is precisely this risk that has forced criminal

[24] Bernard E. Harcourt, Against Prediction: Profiling, Policing, and Punishing in an Actuarial Age (University of Chicago Press, 2007), pp. 32–38, 188–190.

[25] Andrew Guthrie Ferguson, "Big Data and Predictive Reasonable Suspicion", University of Pennsylvania Law Review, Vol. 163, No. 2, 2015, pp. 327–330, 353–360.

26 In a similar way, but in financial terms, see https://www.hsbc.co.uk/credit-cards/what-is-a-credit-score/

[27] Ferguson, *The Rise of Big Data Policing: Surveillance, Race, and the Future of Law Enforcement* (NYU Press, 2017), pp. 3–9, 65–74; see alo Blerina Bulica, "Reflections on the Impact of IT and AI-Based Tools in Judicial Systems", *Albanian Law Journal*, May 2024, pp. 4–6; Iris Shehaj and Maend Kullaj, "Evidence Generated Through Artificial Intelligence: Criminal Justice Challenges in the Digital Age", *Albanian Law Journal*, November 2025, pp. 3–5.

doctrine to study the shift from criminal justice to preventive security governance [28]. This transformation has also affected the European legislator. The AI Act qualifies as a prohibited practice the use of artificial intelligence systems to assess or predict the risk of a natural person committing a criminal offence, when this assessment is based solely on the profiling of the individual or on the analysis of his or her personality traits and characteristics. The wording of Article 5(1)(d) is particularly significant, because it shows that the legislator's concern is not only related to the possible inaccuracy of the system, but to the very normative unacceptability of a model in which criminal intervention is based on the profile and not on the fact. The provision of Article 42 of the AI Act makes it clear that such assessments cannot be legitimised when they stem solely from profiling or personality traits, as they conflict with the fundamental principles of the rule of law [29].

The framework for the protection of personal data is also set out in the same vein. Directive (EU) 2016/680, which regulates the processing of data by competent authorities for the purposes of prevention, investigation, detection and prosecution of criminal offences, does not treat profiling as a technical operation of no importance, but as a process that can produce significant legal consequences for the individual. For this reason, Article 11 provides that decision-making based solely on automated processing, including profiling, shall not be permitted without a clear legal basis and appropriate safeguards. The same logic is followed by Albanian Law No. 124/2024, which not only defines profiling in Article 5, point 22, but also prohibits, in Article 53, individual decision-making based solely on automated processing, including profiling, when it produces legal consequences or significantly affects the data subject. This shows that even in the Albanian legal order, profiling cannot be accepted as an autonomous basis for the criminal treatment of an individual [30].

In theory, the importance of this approach is clear. The algorithmic profile is not a neutral reflection of reality but a normative construct that can influence how the state perceives, categorises, and treats the citizen. Hildebrandt has emphasised that profiling produces new forms of "normalisation" and "prediction of behaviour", in which the individual is exposed to decisions that are preceded by invisible and difficult-to-contradict categorisations. In the criminal field, this means that the subject is no longer evaluated only for what he has done, but also begins to be treated in function of what the system considers possible for him to do. Precisely for this reason, algorithmic profiling should be understood as a form of preventive criminal control rather than an innocent administrative instrument [31].

From this perspective, the problem of legitimacy is not solved simply by claiming that the final decision is made by a human. If algorithmic profiling determines who is monitored, who is detained, who is more intensively controlled, who is perceived as posing a higher risk, or who becomes the object of increased institutional attention, then it does indeed exert a normative influence on the legal position of the individual, even in the absence of a formal automated decision. For this very reason, the analysis of

[28] Harcourt, Against Prediction, pp. 1–15, 188–190; Yeung, "Algorithmic Regulation: A Critical Interrogation", pp. 518–523.

[29] Regulation (EU) 2024/1689 (AI Act), art. 5(1)(d), article 42.

30 Directive (EU) 2016/680, art. 11; Law no. 124/2024 "On the protection of personal data", article 5, point 22, and article 53.

[31] Hildebrandt, "Profiling and the Rule of Law", pp. 56–60, 67–69.

algorithmic profiling in the criminal field must go beyond the question of whether or not "full automation" exists and focus on the way in which the algorithm restructures the relationship between fact, suspicion, and intervention [32] [33].
Consequently, algorithmic profiling should not be seen simply as a matter of technical modernisation of law enforcement agencies. In essence, it represents a reformulation of the very criteria on the basis of which criminal risk is identified, and preliminary state action is legitimised. In any case where statistical profiling begins to assume the practical function of suspicion, the criminal system moves away from its guaranteeing model and approaches a logic of preventive control. It is precisely this shift that makes it necessary to directly analyse the impact of profiling on fundamental and due process, an issue that will be addressed in the following section.[34]

4. **Impact on fundamental rights and due process**

The use of algorithmic profiling in criminal justice raises concerns that go beyond the technical efficiency of the new analytical tools. The crux of the matter lies in the fact that these systems can directly influence the way in which the state identifies the subject of suspicion, justifies preliminary intervention and distributes the practical burden of criminal control. Precisely for this reason, the legal debate focuses not only on the accuracy of the algorithm, but also on the compatibility of its logic with the fundamental rights and procedural guarantees that form the basis of a democratic criminal system. At the European level, this concern is clearly reflected both in the AI Act, which prohibits certain uses of criminal assessment based solely on profiling, and in Directive (EU) 2016/680, which requires protection against decision-making based solely on automated processing, when this entails significant adverse effects on the individual [35].
The first principle to be tested is the presumption of innocence. In the classical model of criminal law, an individual cannot be treated as a subject of repressive intervention, except on the basis of a suspicion based on concrete and verifiable facts. Algorithmic profiling violates this balance because it can transform a person into an object of police attention, monitoring or institutional treatment, not because of proven behaviour, but because of a risk foreseen by the system. In this way, the intervention is shifted from fact to probability, while the presumption of innocence risks being practically replaced by a form of doubt produced by the data. This creates a clear tension with European standards of due process, as well as with Albanian constitutional protection, which places the presumption of innocence and due process of law at the core of the limits placed on criminal power.[36] [37]
Equally serious pressure is being exerted on the principle of equality before the

[32] Sandra Wachter, Brent Mittelstadt and Luciano Floridi, "Why a Right to Explanation of Automated Decision-Making Does Not Exist in the General Data Protection Regulation", International Data Privacy Law, Vol. 7, No. 2, 2017, pp. 76–82, 94–99.
[33] Frank Pasquale, The Black Box Society (Harvard University Press, 2015), pp. 1–18.
[34] Yeung, "Algorithmic Regulation: A Critical Interrogation", pp. 518–523; Harcourt, Against Prediction, pp. 188–190.
35 Regulation (EU) 2024/1689 (AI Act), art. 5(1)(d), recital 42; Directive (EU) 2016/680, art. 11.
36 Constitution of the Republic of Albania, art. 30 and art. 42; EU Charter of Fundamental Rights, arts. 47–48;
[37] Andrew Guthrie Ferguson, "Big Data and Predictive Reasonable Suspicion", University of Pennsylvania Law Review, Vol. 163, No. 2, 2015, pp. 327–330, 353–360.

law and the prohibition of discrimination [38]. Algorithms do not work in a vacuum; they are trained and operate on databases that may reflect past policing practices, disproportionate surveillance in certain areas, and accumulated social prejudices. Consequently, even when the system is presented as technically neutral, it may reproduce or even deepen existing inequalities, creating more dangerous profiles for groups that have historically been more exposed to state interference. In European law, this risk is considered substantial. The Council of Europe Framework Convention on Artificial Intelligence links the use of AI to the obligation to guarantee non-discrimination and respect for human rights, while the very restrictive logic of the AI Act indicates that some forms of criminal assessment based on personal traits or profiling are considered normatively unacceptable [39] [40].

Equally problematic is the impact of algorithmic profiling on the principle of proportionality. In a state governed by the rule of law, any criminal intervention must be necessary, proportionate and proportionate to the legitimate aim it seeks to achieve. When the intervention is based on a foreseeable risk rather than on factual conduct, there is a risk that important measures will be justified on excessively broad or vague grounds. The lower the threshold of factuality and the more room for probability, the more difficult the proportionality review becomes. In this respect, technology does not necessarily make the intervention lawful; on the contrary, it may make it easier to normalise early and extensive interventions, which are presented as preventive even when their impact on individual freedoms is considerable. This concern is consistent with the structure of the EU Charter of Fundamental Rights and with European standards of procedural protection [41].

Another right under pressure is legal certainty.The citizen must be able to understand not only what conduct is prohibited, but also on what basis he or she may be subject to a particular treatment by public authorities. When institutional decision-making or pre-selection is based on inexplicable algorithmic models or on criteria that are not visible to the subject, it becomes difficult to maintain the minimum predictability required by the rule of law. A person may be classified as high risk without knowing which factors have influenced this result, what weight has been given to each of them, or how an erroneous assessment can be corrected. In such an environment, the risk lies not only in the possibility of error, but also in the fact that the very basis of institutional treatment becomes unclear and difficult to control. Directive (EU) 2016/680 and the European framework of fundamental rights aim precisely to avoid this kind of obscuring of the basis of decision-making [42].

The most complex of all is the potential infringement of the right to a fair trial and,

[38] Dobrzeniecki, K. (2020). Assessment of conformity to the Constitution of provisions of the Act on Real Estate Management and the Act on Specific Principles for the Preparation and Realisation of Investments Regarding Public Roads. https://doi.org/10.31268/ZPBAS.2020.25

[39] Mireille Hildebrandt, "Profiling and the Rule of Law", Identity in the Information Society, Vol. 1, No. 1, 2008, pp. 56–60, 67–69.

[40] Bernard E. Harcourt, Against Prediction: Profiling, Policing, and Punishing in an Actuarial Age (University of Chicago Press, 2007), pp. 32–38, 188–190.

[41] Karen Yeung, "Algorithmic Regulation: A Critical Interrogation", Regulation & Governance, Vol. 12, No. 4, 2018, pp. 505–509, 518–523; see also EU Charter of Fundamental Rights, arts. 47–49.

[42] Sandra Wachter, Brent Mittelstadt and Luciano Floridi, "Why a Right to Explanation of Automated Decision-Making Does Not Exist in the General Data Protection Regulation", International Data Privacy Law, Vol. 7, No. 2, 2017, pp. 76–82, 94–99.

within it, the right to an effective defence. The right to an effective remedy and to a fair trial presupposes that the subject is able to understand the real basis of his treatment, to challenge the reasoning on which it is based and to request a real review by an independent body. If the algorithmic profile is presented as technically uncontestable or as the product of an "objective" system, then there is a risk that the right of defence will be reduced to a formality[43]. The Charter of Fundamental Rights of the EU, in Articles 47 and 48, protects the right to an effective remedy, to a fair trial, the presumption of innocence and the rights of defence; while the Constitution of Albania, in Article 42, requires that rights and freedoms shall not be infringed without due process of law. These standards become particularly important in situations where the algorithm materially affects the legal fate of the individual, even if the final decision, at least formally, is made by a human [44].

From the above, it is clear that the problem of algorithmic profiling cannot be reduced to the question of whether technology can help criminal authorities. The legally relevant question is whether its use preserves the guarantor architecture of the criminal justice system or, on the contrary, shifts it towards a form of prior control, where fundamental rights are diluted in the name of security [45]. The more statistical profiling replaces concrete fact, and the more technical output replaces verifiable legal reasoning, the greater the risk that the presumption of innocence, equality, proportionality, legal certainty and due process of law lose their constraining function. Precisely for this reason, the analysis of the following section should focus on algorithmic opacity, data bias and the real limits of legal control over these systems [46].

5. **Opacity, data bias and the limits of legal control**

One of the most common claims in favour of using artificial intelligence in criminal justice is that algorithms provide faster, more consistent, and more objective assessments than human judgment. However, this claim weakens as soon as the analysis shifts from statistical results to the legal conditions of its legitimacy. In a state governed by the rule of law, it is not enough for a system to be operationally efficient; it must also be understandable, controllable, and contestable. It is at this point that the problem of algorithmic opacity emerges [47]. The more institutional decision-making or pre-selection relies on complex machine learning models, the more difficult it becomes to understand the real logic that leads to the classification of an individual as a subject at risk[48]. This methodological obscurity is not simply a technical problem; it has direct consequences for the individual's ability to understand, challenge, and legally control the treatment he or she receives [49].

[43] Directive (EU) 2016/680, art. 11; see also Frank Pasquale, The Black Box Society (Harvard University Press, 2015), pp. 1–18.

[44] Iris Shehaj and Maend Kullaj, "Evidence Generated Through Artificial Intelligence: Criminal Justice Challenges in the Digital Age", Albanian Law Journal, November 2025, pp. 3–5.

[45] Blerina Bulica, "Reflections on the Impact of IT and AI-Based Tools in Judicial Systems", Albanian Law Journal, May 2024, pp. 4–6.

[46] Mireille Hildebrandt, Smart Technologies and the End(s) of Law (Edward Elgar, 2015), pp. 181–187.

[47] Swanson, D. (2023). School of Public Affairs 2022 Annual Report. https://core.ac.uk/download/555614611.pdf

[48] Frank Pasquale, The Black Box Society: The Secret Algorithms That Control Money and Information (Harvard University Press, 2015), pp. 1–18.

[49] Mireille Hildebrandt, Smart Technologies and the End(s) of Law (Edward Elgar, 2015), pp. 181–187.

Frank Pasquale has described this phenomenon as a "black box" society, where processes with a major impact on the lives of individuals operate through mechanisms that remain virtually invisible to the public and inaccessible to ordinary scrutiny. In the criminal field, the consequences of this structure are even more acute because the output of the algorithm can directly influence the intensity of surveillance, the focus of police resources, the assessment of procedural risk, or even the institutional perception of a person's credibility. In these conditions, the legal problem lies not only in the question of whether the system is "right" in the statistical sense, but in the fact that its reasoning may not be explicable in a form understandable to the subject, the defence, the court, or the very administration that uses it [50].

This problem becomes more serious when it is related to data bias. The algorithm does not create knowledge from scratch; it learns from data created by existing social and institutional realities. If these realities are distorted by previous practices of disproportionate surveillance, by police selectivity, by under- or over-reporting of behaviours in certain areas, then the profile produced by the system will also reflect and may reproduce these distortions. This means that the algorithm can appear neutral precisely at the moment when it is re-articulating previous inequalities in a new technical form. Mireille Hildebrandt has emphasised that profiling produces a kind of hidden normativity, in which statistical categories become parameters of institutional treatment, even when the individual is unaware of them and has had no opportunity to influence the way his or her profile is constructed [51].

In this sense, algorithmic bias is not an accidental deviation from the normal functioning of the system, but a structural risk associated with the very material on which the system builds its inferences [52]. Bernard Harcourt has argued that the actuarial logic of profiling, based on the statistical distribution of risk, pushes the criminal justice system towards the construction of categories of suspicion that may seem rational from a managerial point of view, but which remain deeply problematic from the point of view of legal legitimacy. Whenever statistical probability begins to take on the practical function of institutional justification, the risk is that the categories created by the data themselves become a source of differential treatment, without passing through the strict filter of evidence and legal reasoning [53].

One of the most common counterarguments is that opacity and bias can be neutralised through ultimate human intervention. But this claim is insufficient if human intervention remains only formal. Sandra Wachter, Brent Mittelstadt and Luciano Floridi have pointed out that the problem is not solved simply by declaring that humans "have the final say" if in practice the decision-maker relies extensively on the algorithmic output without understanding its internal logic. In such circumstances, human control risks becoming a formal stamp on a technical assessment that is not really subject to review. This is particularly problematic in the criminal field, where

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[50] Pasquale, The Black Box Society, pp. 3–18; Karen Yeung, "Algorithmic Regulation: A Critical Interrogation", Regulation & Governance, Vol. 12, No. 4, 2018, pp. 505–509, 518–523.

[51] Mireille Hildebrandt, "Profiling and the Rule of Law", Identity in the Information Society, Vol. 1, No. 1, 2008, pp. 56–60, 67–69.

[52] Swanson, D. (2023). School of Public Affairs 2022 Annual Report. https://core.ac.uk/download/555614611.pdf

[53] Bernard E. Harcourt, Against Prediction: Profiling, Policing, and Punishing in an Actuarial Age (University of Chicago Press, 2007), pp. 32–38, 188–190.

the requirement for comprehensible reasoning and a real possibility of objection is of fundamental importance [54].

The limits of legal control over algorithmic profiling are therefore not measured solely by the existence of a norm that permits or restricts its use, but by the real ability of the legal system to penetrate the operational logic of the technology. If the court, the defence lawyer or the data subject himself does not have comprehensible access to the criteria, weights, data sources and the way in which the result was produced, then the right to legal control remains truncated. It is here that European case law has begun to play a crucial role. In SCHUFA Holding, the Court of Justice of the European Union accepted that an automatically generated score may fall within the scope of the prohibition on automated decision-making if it plays a determining role in the decision taken against the individual. This approach is important because it shifts the focus from the form to the actual effect of the algorithmic output [55].

Furthermore, in Dun & Bradstreet Austria, the Court of Justice emphasised that the obligation to provide "meaningful information on the logic involved" cannot be reduced to abstract or general formulations. If the information provided does not allow the subject to understand the main factors that influenced the result and to assess whether it may be incorrect, discriminatory or unjustified, then procedural protection remains illusory. This is particularly important in criminal justice, where any material impact on the legal fate of the individual requires not only a legal basis but also sufficient explainability to enable effective challenge [56].

The case law of the European Court of Human Rights also shows that technology is not exempt from the strict scrutiny of proportionality and fundamental rights. In the case of Glukhin v. Russia, the use of facial recognition was found to be incompatible with Articles 8 and 10 of the ECHR, showing that biometric means of identification and monitoring cannot be treated as neutrally permissible simply because they promise efficiency [57]. The logic of this decision is broader than facial recognition itself: it confirms that when the technology used by the authorities significantly affects privacy, freedom of expression or personal autonomy, legal control must be substantive and not formal [58].

In the Albanian order, these European developments are particularly important for the interpretation of Law No. 124/2024[59] and the constitutional standards of due process. The prohibition of individual decision-making based solely on automated processing, including profiling, should not be read mechanically only for cases where a decision is formally "made by a machine". It should be understood in light of the protective function it aims to achieve, preventing situations where the technical result becomes

[54] Sandra Wachter, Brent Mittelstadt and Luciano Floridi, "Why a Right to Explanation of Automated Decision-Making Does Not Exist in the General Data Protection Regulation", International Data Privacy Law, Vol. 7, No. 2, 2017, pp. 76–82, 94–99.

[55] Court of Justice of the European Union, Case C-634/21, SCHUFA Holding (Scoring), Judgment of 7 December 2023, paras. 57–72.

[56] Court of Justice of the European Union, Case C-203/22, Dun & Bradstreet Austria, Judgment of 27 February 2025, paras. 54–63, 72–75.

[57] Ismail Nawang, N., & Nawang, N. I. (2015). Political blogs and freedom of expression: A comparative study of Malaysia and the United Kingdom. https://core.ac.uk/download/429733596.pdf

[58] European Court of Human Rights, Glukhin v. Russia, no. 11519/20, Judgment of 4 July 2023, paras. 83–90, 98–106.

[59] Law no. 124/2024 "On the protection of personal data", article 53, see also Directive (EU) 2016/680, art. 11.

de facto decisive for the treatment of the individual, without sufficient transparency and without a real possibility of objection. It is here that the "human in the loop" theory must be treated with caution, because the formal presence of a human does not in itself guarantee substantial control [60].

Consequently, algorithmic opacity and data bias do not constitute secondary problems that can be left to engineering or technical internal auditing. They touch the very foundation of the legal legitimacy of the use of artificial intelligence in the criminal field. If the criminal justice system allows individuals to be categorised, monitored, or treated on the basis of unclear, difficult-to-explain, and potentially biased models, then legal control risks losing its guaranteeing function [61]. This makes it necessary for the following section to analyse not only the existence of Albanian and European normative boundaries, but also their real capacity to prevent the transformation of algorithmic profiling into a tool of preventive criminal control [62].

6. **Albanian and European legal limits**

The limits of the admissibility of algorithmic profiling in criminal justice cannot be based on a simple logic that accepts innovation only because it is technically possible. In both the European and Albanian order, the use of artificial intelligence systems in this field depends on a normative regime that links their legitimacy to the existence of a legal basis, to necessity and proportionality, to transparency, to human oversight and to the guarantee of effective means of objection [63]. This combination clearly shows that the law does not treat algorithmic profiling as an ordinary administrative instrument, but as a practice with a high potential for violating fundamental rights.

At the European Union level, the strongest normative point is Article 5(1)(d) of the AI Act, which prohibits the use of artificial intelligence systems to carry out risk assessments on natural persons in order to predict the risk of them committing a criminal offence, where this assessment is based solely on profiling of the person or on their personality traits [64]. The exception is limited and relates only to cases where the system is used as support for a human assessment based on concrete and verifiable facts. Recital 42 also clearly states that such uses are contrary to the fundamental principles of the rule of law, as they are considered normatively unacceptable when they are based on probabilistic profiles and not on proven behaviour.

Beyond this prohibition, the European framework for data protection for criminal purposes imposes other important limitations. Directive (EU) 2016/680, in Article 11, prohibits decision-making based solely on automated processing, including profiling, where it produces adverse legal effects or significantly affects the data subject, unless there is a legal basis and appropriate safeguards, including human intervention. This shows that even in cases where profiling is not completely prohibited, it remains a

[60] Iris Shehaj and Maend Kullaj, "Evidence Generated Through Artificial Intelligence: Criminal Justice Challenges in the Digital Age", Albanian Law Journal, November 2025, pp. 3–5.

[61] Hildebrandt, Smart Technologies and the End(s) of Law, pp. 181–187.

[62] Blerina Bulica, "Reflections on the Impact of IT and AI-Based Tools in Judicial Systems", Albanian Law Journal, May 2024, pp. 4–6.

[63] Constitution of the Republic of Albania, articles 30 and 42.

[64] Regulation (EU) 2024/1689 (AI Act), art. 5(1)(d), recital 42.

legally sensitive practice, strongly conditioned by procedural safeguards [65]
A further layer of protection is established by the Council of Europe Framework Convention on Artificial Intelligence, which requires that the use of AI systems respect human dignity, individual autonomy, the principle of equality and non-discrimination, as well as ensure transparency, accountability and effective means of redress for the individual. This approach confirms that the use of AI in criminal justice cannot be justified solely on the grounds of efficiency, but must comply with the standards of the rule of law [66].
In the Albanian context, the normative limits stem from the Constitution of the Republic of Albania, which guarantees the presumption of innocence and the right to a fair trial [67], as well as from Law No. 124/2024 "On the Protection of Personal Data", which defines profiling and imposes restrictions on its use. This law treats profiling as a process that produces assessments of the behaviour, reliability and characteristics of the individual, directly linking it to the protection of his fundamental rights [68].
In particular, Article 53 of this law prohibits individual decision-making based solely on automated processing, including profiling, when this entails negative legal consequences or significantly affects the individual, except in cases where it is authorised by law and accompanied by appropriate safeguards [69]. This rule also includes the prohibition of discriminatory profiling and the requirement for human intervention, with the aim of maintaining the balance between technology and fundamental rights.
However, there is a gap between the normative framework and actual practice. Even when there is no formally automated decision-making, the system can materially influence the treatment of the individual through pre-selection, prioritisation, or risk assessment[70]. For this reason, existing norms must be interpreted functionally, taking into account not only the legal form but also the real effect that profiling exerts on the legal fate of the individual[71].
In conclusion, the Albanian and European limits do not simply represent a conditional permission for the use of profiling, but a restrictive regime aimed at preventing the transformation of criminal justice into a system of preventive criminal control, where prediction replaces reasonable suspicion.[72]

7. **De lege ferenda recommendations**

The above analysis shows that the use of algorithmic profiling in criminal justice represents a development that directly challenges the traditional logic of criminal control and fundamental procedural guarantees. Although the current European and Albanian frameworks provide for important limitations, these are not always

[65] Directive (EU) 2016/680, art. 11(1)–(3), Official Journal of the European Union, L 119/89–90, 4 May 2016.
[66] Council of Europe, Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law (CETS No. 225), arts. 7–10, 14, 2024.
[67] Constitution of the Republic of Albania, articles 30 and 42.
[68] Law No. 124/2024 "On the Protection of Personal Data", article 5 (definition of profiling) and article 53.
[69] Ibid
[70] Court of Justice of the European Union, Case C-634/21, SCHUFA Holding (Scoring), Judgment of 7 December 2023, paras. 57–72.
[71] Case C-203/22, Dun & Bradstreet Austria, Judgment of 27 February 2025, paras. 54–63, 72–75.
[72] Regulation (EU) 2024/1689 (AI Act), art. 5(1)(d), recital 42.

sufficient to cope with the concrete ways in which these systems are used in practice. Precisely for this reason, a clearer, more coherent and more structured normative approach is needed.

First, it should be expressly stated that algorithmic profiling cannot serve as an autonomous basis for criminal intervention. Even in cases where decision-making is not fully automated, the use of risk profiles to guide criminal control should be considered legally relevant and, as such, subject to the same strict standards that apply to direct interventions.

Second, a binding standard of explainability should be established in the criminal field, which goes beyond general formulations on transparency. The subject must have a real opportunity to understand the main factors that have influenced his assessment, as well as to effectively challenge the result. In the absence of this element, the right to protection remains purely formal and contradicts the principle of due process.

Third, it is necessary to strengthen the substantive judicial control over the use of algorithmic systems. Courts must have a real opportunity not only to verify the existence of a legal basis, but also to examine the concrete way in which the algorithmic result was produced and the impact it had on decision-making.

Fourth, mandatory mechanisms must be built to identify and prevent algorithmic discrimination, including independent audits and testing of the impact on certain groups. Equality before the law cannot be guaranteed as long as the criminal system relies on data that reproduces or deepens existing inequalities.

Fifth, in the Albanian context, it appears necessary to draft a specific regulatory framework for the use of artificial intelligence by criminal authorities. Such a framework should clearly define the limits of permissibility, the procedures for use and the control mechanisms. The current framework provides a general basis, but does not address in detail the features that algorithmic profiling displays in criminal practice.

Finally, it must be guaranteed that human supervision is real and not just formal. The presence of a human decision-maker is not sufficient in itself to guarantee respect for due process if it relies unreservedly and without verification on the algorithmic result. For this reason, human intervention should be understood as a substantial and effective control, not as a procedural formality.

8. **Conclusion**

This paper examines the use of artificial intelligence in criminal justice, focusing in particular on algorithmic profiling and its impact on the fundamental principles of criminal law and criminal procedure. The main thesis has been that these systems do not represent just a technical development, but also bring about a broader change in how criminal intervention is understood and how the state's exercise of power is justified.

The analysis highlighted that algorithmic profiling creates a new form of individualisation, which is not based on criminal facts and concrete evidence, but on probabilistic inferences and statistical models built from data. In this sense, an individual can become the object of the criminal system’s attention not because of a

proven behaviour, but because of a predicted risk. This constitutes an important shift from a system based on responsibility for the criminal fact towards a model oriented towards risk management.

This shift has direct consequences for the guarantee structure of criminal law. The presumption of innocence is put under pressure when the intervention is based on probability rather than fact—equality before the law risks being undermined by the use of databases that may reflect previous inequalities. Proportionality is weakened when preventive measures are taken without a sufficient connection to concrete and current conduct. Legal certainty is also undermined when the individual is unable to understand on what basis he has been classified as a subject at risk. Finally, the right to a fair legal process is also called into question when decision-making relies on mechanisms that are difficult to understand and challenge.

The problem of algorithmic opacity and data bias also occupied a central place in this analysis. It was pointed out that the lack of explainability and the difficulty of legal control over the logic of algorithmic systems are not simply technical limitations, but challenges that directly affect the legitimacy of criminal intervention. A system that cannot be explained in a comprehensible manner and that cannot be realistically challenged can hardly be considered in line with the standards of a fair process.

At the same time, the analysis of the European and Albanian legal framework showed that these risks are already recognised at the normative level. The AI Act sets clear limitations, prohibiting certain forms of criminal profiling based on personality assessments, while Directive (EU) 2016/680 and Law no. 124/2024 limit decision-making based solely on automated processing and require appropriate procedural guarantees. However, a gap remains between these provisions and the concrete practice of using artificial intelligence, especially in cases where the algorithm's impact is indirect but real and material.

In this context, the paper's main conclusion is that the use of artificial intelligence in criminal justice cannot be assessed solely by efficiency or innovation. Its legitimacy depends on the ability to maintain the link between the criminal intervention and the verifiable fact, as well as on the existence of real mechanisms of transparency, control and objection. When these elements are missing, there is a risk that the criminal system will shift from a model of responsibility for the criminal act to a model of preventive criminal control, in which prediction replaces suspicion. The individual is treated as an object of risk management.

In conclusion, the challenge for the future lies not in whether artificial intelligence should be used in criminal justice, but in how it can be used without undermining the foundations of the rule of law. An approach that sets clear legal limits, guarantees real human oversight and provides effective means of objection is not an obstacle to innovation, but an essential condition for its legitimacy.

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A philosophical analysis of populist rhetoric and its impact on democracy

Marsida Minga
As/ Lecturer. Armed Forces Academy. Faculty of Defense and Security. Tirana, Albania

Abstract

This paper consists of a philosophical analysis of populist rhetoric and its impact on democracy. Populism has become one of the most recent phenomena in the field of political philosophy. The purpose of this article is expressed through the research question: how does populist rhetoric influence democracy where the binomials 'elitism' and 'populism' interact dialectically? Does populism pose a threat to democracy or does it become an instrument to improve the democratic system? The methodology used consists of a philosophical analysis of the populist narrative, its interaction and impact on democracy. In the study, these questions are addressed through philosophical analysis. The approach remains analytical with the aim of clarifying the conceptual foundations of populist rhetoric, the reasons for the rise of populism in the world, and its impact on the social model of democracy.

Keywords: populism; political rhetoric; democracy; social polarization.

1. Introduction

The term populism occupies a very important place in philosophical and political studies, but also in political discourse. There are several ways to conceptualize populism among different theorists, even though achieving a definition is not the primary goal of this work. It remains important to start from these definitions in order to approach the research question qualitatively, while the epistemological approach will be interpretative and this element aligns with the focus of this contribution.
We find populism argued at several levels, in various theorists, in Mudde's theory, as an ideology which is expressed: "my own definition of populism includes most of these features. It defines populism as "an ideology that considers society to be ultimately separated into two homogeneous and antagonistic groups, 'the pure people' versus 'the corrupt elite', and which argues that politics should be an expression of the 'volonte generale" (general will) of the people. (Mudde,2017) (Mudde, 2004, p. 543). As a symbolic image of the public, Moffitt: "have argued that populism should be understood as a political style- "the repertoires of embodied, symbolically mediated performance made to audiences that are used to create and navigate the fields of power that comprise the political" (Moffitt, 2016) while Muller's stresses the normative dimension of moral claims, who: "suggests that populism is a moralistic image of politics, a way of perceiving the political world that pits a morally pure and fully united people, ultimately imaginary - against elites that are considered corrupt or morally inferior" (Muller, 2019). Populism is closely linked to democracy and can be understood as a form of 'political discourse' that transcends the ideological level by creating the subject in the great clash between the people and the elite. (Laclau, 2005).

Referring to populism at the strategic and discursive level, it can be understood as a political strategy oriented towards power and the typification of the personality of the political leader, "how they pursue and sustain power (Wayland, 2017) other scholars view populism as "a form of discourse"(Stavrakakis and Katsambekis, 2019) while in Jansen's theory we see the phenomenon of populism not only as an ideology and a political style but as a form of organizational strategy, (Jansen, 2011).
Political rhetoric also manifests at the level of performative study. This can be examined not only from the perspective style and content but also form, "they certainly include issues of accent, levels of language, body language, gestures, and way of dressing. And as a way of relating to people, they also encompass the way of making decisions, in politics". (Ostiguy, 2017) as a discursive analysis of emotional elements as a key instrument (Wodak,2015). As a 'political style' (Knight, 1998) and as a 'form of mobilisation' (Meny, Y., & Surel, Y. (2001).
The article is structured as follows: first, it focuses on the main aspects that characterize populism based on theories that explore the context of populism. In a second step, populism is analyzed as rhetoric by referring to the 'people-elite' dichotomy, and the rhetorical mechanisms used such as: plain language, emotional appeal. In January 2015, the leader came to power using his populism and that he would fight the austerity measures that the Troika had imposed on Greece. This paper is mainly based on empirical cases mainly in Europe and America, specifically in the case of Trump, referring to him as a populist leader with a significant influence not only in America but throughout the world. For reference also in the case of Podemos as a populist leader with a substantial influence.
The final section considers the relationship between populism and democracy. It is shown analytically how populist mechanisms affect democracy. This contextualisation and its empirical application offer solutions to the main challenges of populism studies. This article aims to show how populist leaders use anti-elite rhetoric, wide social gaps, moral polarization and exploiting the concept of 'people' to justify the restrictions imposed by institutions.
At the level of treating populism as a phenomenon widely used by left and right ideologies mainly to achieve certain goals expressed through the great divide of Us and Them, 'the people' and 'the elite', the majority versus the minority. This approach is valuable for analysis at the strategic and discursive level, in the context of the social model of democracy, in order to better understand the dimensions and attributes that populism carries and the consequences it brings at these levels.

2. Methodology

This article employs a philosophical analysis methodology. The analysis examines populist narratives, conceptual inquiry, political discourse and democracy. From a methodological point of view, a critical interpretation of theoretical positions is made. The selected examples are referred to illustratively but are not treated as an empirical corpus but as tools to support the philosophical argument.
The analysis consists of reading populism theorists and analyzing their theories. The study focusses on the variation of the antagonism between the people and the

elites. Furthermore consists of Trump (2016-2025) political speeches, Podemos party manifestos (2013-2017) Syriza (2015-2020). These cases were chosen because they demonstrate key moments of populist mobilization.
The choosen period 2013-2025 of these cases, focused on in this article is related to the moment when the traditional political establishment began to lose credibility and successive blows from populist rhetoric, taking advantage of the political, economic and moral crises affecting the world.
The argument is supported by selective empirical illustration, that are used to clarify the philosophical analyses, concentrated on the case of Trump and the language used by him, then moves on to the case of Albania. In the second part, strategic mechanisms are analyzed and how rhetoric legitimizes strategy. Drawing on the empirical cases, the link between discourse and power is shown. The empirical illustration concentrates on Podemos, a left-wing populist party in Spain, and Syriza in Greece. Syriza (2015-2020) left-wing populism, a case when democracies react to populist rhetoric. These cases were chosen to show how 'populism affects discourse level' (De Cleen and Stavrakakis, 2017; Kioupkiolis and Pérez, 2018) and how 'populist logic influences the creation of attitudes and values' (Kefford et al., 2021; Marcos-Marne, 2020).

2.1 Limitations

The study remains limited in several respects. The present analysis does not aim at a quantitative analysis or in an empirical interpretation of data. The research aims to make a contribution of a theoretical nature, including analysis and synthetic approaches by capturing theoretical and rhetorical dimensions. It does not claim empirical representativeness across all populist movements.

3. **Populism as rhetoric: a discursive approach**

Today, political discourse in the world is increasingly confronted with the phenomenon of populist rhetoric. "Populism appears as a political current that can be easily observed in both left-wing and right-wing politics" (Taggart, 2000). In general, populist politicians seeks to situate the people in front of the elites that they consider corrupt. Populist leaders, who are generally charismatic figures, present themselves to the public as the direct voice of citizens. However, "it is not said that the leader must have a charismatic personality in a specific way. But instead that the actor must ensure some kind of direct contact with the "substance" of the people or, even better, with each individual in particular".(Muller, 2019) The messages they convey are clear, uncomplicated and aim to touch the emotions of ordinary people." It is recognized in this way that affects and desire play a crucial role in the constitution of collective forms of identification" (Mouffe, 2018:76) even such a role "is decisive for designing a successful left populist strategy" (Mouffe, 2018:76).
In their rhetoric, the corrupt political-economic, media or justice elites do not represent the interests of the people and that these elites must be removed. As, populism appears on both the left and right spectrums but with different perspectives. Left-wing populists use in their rhetoric the terms of social inequality, the fight against the economic oligarchy or the distribution of wealth with the slogan "we take from the

rich and distribute to the poor through progressive taxation where the richest should have the highest tax". Equally vital to the strategic approach is the idea that populist leaders rely on unmediated, quasi-direct appeals to 'the people', in which they attempt to bypass 'regular' intermediaries such as parties and clientelist network" (Moffit,2020). the language used from, right-wing populists, aims to touch people's feelings on issues such as national identity, illegal immigration, the fight against globalization, or the return to traditional values such as family and religious faith. "New-right populism typically focuses on issues such as immigration, taxes, crime and nationalism" (Taggart 2000).

In recent years, what has been most noticeable in global politics is the emergence of right-wing populism. This phenomenon has come about as a reaction to decades of dominance of left-wing globalist policies, which, according to conservative right-wing politicians, have created social discontent among people, especially over phenomena related to uncontrolled immigration, climate change policies, and the attack on family values. Although in many scholars we will even find the idea that the "populist right-wing, mainly the radical wing, is skewed towards authoritarian tendencies". (Bonikowski, 2017; Mudde, 2007; Rooduijn, 2014). At that time, these policies would face harsh criticism mainly from conservative or so-called sovereignist right-wing politicians.

In western societies with consolidated democracies, populism is often useful because it awakens society and the political class, to reflect on those defects and phenomena caused by misgovernment. Populist parties serve as a teaching process, but this only happens in countries with consolidated democracies because in non-democratic countries, populism is authoritarianism. Scholars have debated the "connection between populism and authoritarianism" (Norris & Inglehart, 2019; Levitsky & Loxton, 2013). And across European countries, far-right parties have served as a teaching process. "Populist radical right parties in Europe have probably triggered a learning process by which mainstream political parties have started to become more responsive to societal demands and to rethink their policies in key areas such as corruption and immigration" (Mudde and Rovira Kaltwasser, 2012, p. 214).

There are several very important leaders of the right that represent this front, such as US President Donald Trump, Hungarian Prime Minister Viktor Orban, and Italian Prime Minister Meloni. Undoubtedly, the most important and interesting figure in the world in this regard remains US President Donald Trump. He aims with his rhetoric to separate ordinary people from the political elites that he considers corrupt, the mainstream media that he calls 'fake news', the corrupt and captured bureaucracy that he describes as the 'deepstate'. His language is simple, emotional and aims to go directly to ordinary citizens. His slogans like "Make America Great Again" or "America First" are messages that easily penetrate the ears of ordinary people.

Trump does not use technical terms but simple words, even in some cases very harsh ones, to attack his opponents. Therefore, he gives his supporters the messages they want to hear. What is worth noting in the case of Donald Trump is that he came out against the political and economic elites despite the fact that he himself belongs to the billionaire class. Trump, by attacking the political and economic establishment, which he considers corrupt, appears as a leader outside the system who comes to

change the system. Donald Trump appears as a populist leader. It is maintained that he represents the masses against the corrupt elites. In fact, his language is often so polarizing, creating clear enemies whom he is facing.
Through the use of this rhetoric, Trump aims to create a clear division between US, where he places himself and the people against 'THOSE' perceived by him as corrupt elites or foreigners who have unfairly benefited so far from the wealth of American taxpayers. Speeches at electoral rallies are often simple, spontaneous and improvised. To ensure that voters believe that he is part of this battle between the people and the corrupt elites. Donald Trump uses social networks as direct channels of communication, wanting to avoid the filter of traditional media that he often considers as "fake news".
Trump also links his populism to a strong sovereignist current, echoing economic protectionism and the fight against foreign immigration. His slogan "Make America Great Again"(Muller, 2019:31);(BBC,2026) or "America First" (BBC,2026) is indicative of this populist sovereignist spirit that Donald Trump uses to galvanize the emotions of his supporters at rallies. It should be noted that his populist language as president is more moderate compared to the electoral rallies during the campaign, but the essence remains the same: the American people against corrupt elites and foreigners who have benefited so far from American taxpayers' money.
The phrase 'drain the swamp'(CNN,2017) became famous during his first presidency. Even during the Covid-19 pandemic, Donald Trump presented himself as the voice of truth and hope in the face of experts and the media that, in his view, aimed to spread panic. He challenged health care experts as the defender of ordinary people in the face of an establishment that wanted to shut down American life. His statement that 'the cure cannot be worse than the problem itself' was a counterpoint to elites and political rivals who had a different approach to dealing with the pandemic.
As previously argued in this study, one of the features of the populist rhetoric of right-wing conservative leaders is also the opposition to left-wing globalist policies. At the last UN Assembly on September 23, 2025, (ABC, 2025) Trump openly attacked foreign immigration and climate policies pushed by left-wing globalist elites. "Countries that erase their borders erase their freedom, those that surrender in the face of climate extremism surrender their sovereignty" (ABC, 2025) - President Donald Trump would emphasize at the UN headquarters in New York. Through this message with strong sovereign nuances that are an important feature of populist rhetoric, Trump wanted to tell the peoples of the world that they must protect themselves from the dangers coming from left-wing globalist elites. Even his strong statement against the wave of immigrants at the southern border in the US on Junaury 31, 2025, that "this is not immigration but an invasion and that we will stop it" (Sneed, 2025) aims precisely to create a clear division between the American people in this case and the foreigners who threaten American values.
These are some examples of the populist rhetoric of US President Donald Trump both during the campaign and in power. In general, populist language among leaders is more visible during election campaigns, while it becomes more muted when politicians take power. Donald Trump is undoubtedly one of the most influential and most followed leader in the world. Referring to his figure but not only, what we can easily

conclude is that the phenomenon of populism is increasingly penetrating ordinary people, causing their long-standing faith in traditional democratic institutions that have functioned for decades to waver.

As argued above, populism also appears among left-wing politicians in the world who mainly focus on social and economic inequality. In their rhetoric, they try to present themselves as the voice and only hope of the poor or marginalized in a system that is controlled by corrupt political castes in collaboration with large corporations. The concentration of wealth in a few hands at the expense of the majority is one of the strengths of left-wing populism, which appears more in Europe.

In Albania, populism is a phenomenon that is evident in the rhetoric of almost all major politicians who use it more as a means of communication than as an ideological spirit. Two of the main figures that stand out are Sali Berisha, the former prime minister, who, especially in the 90's but also later, with a simple language, has always aimed to galvanize the crowds by harshly attacking the political opponent. While Edi Rama, the country's prime minister for 12 years, often uses popular language, sarcasm and promises that aim to connect directly with the citizen. In Albania, there are also new leaders who often use populism by emphasizing economic injustices, massive depopulation, corruption of the political class, thus attempting to appear as anti-system leaders and who aim to fight precisely the injustices created over the years by the old political caste.

4. **The strategic approach**

In contrast to the rhetorical or discursive approach, the literature also treats the strategic approach which is related to the purpose and what is realized in practice. "Weyland regards populism ' as a political strategy through which a personalistic leader seeks or exercises government power based on direct, unmediated, uninstitutionalized support from large numbers of mostly unorganized followers"(Weyland 2001:14) whereas Jansen sees populist mobilization as ' any sustained, large-scale political project that mobilizes ordinarily marginalized social sector into publicly visible and contentious political action, while articulating an anti-elite, nationalist rhetoric that valorizes ordinary people (Jansen 2011:82)

Populism is a phenomenon that also appears on the left, in this context we can mention two left-wing political forces where populism is quite distinct, Podemos in Spain and Syriza in Greece. What unites both of these political forces is the fact that they emerged at a time of deep economic-financial crisis in their respective countries, for this reason their populism was identified with the deep division of the people with the elites. "Incorporate a fundamental opposition between the good people (the majority) and the wicked elite (the minority)". (Silva, B.C. 2017:12). The political and financial elites were considered traditional parties, banks or even EU institutions, while the people included the young, the unemployed or even families affected by the financial crisis.

Since both parties emerged in times of financial crisis, they presented themselves as the representative voice of those who were deeply affected by these crises and in fact this is also the basis of the left-wing populism that mainly appears in Europe. Both

parties referred to a communication based on morality where honest people should rise up against the unjust system set up by the political-financial castes. In Greece, Syriza's messages were simple like "Hope begins today" (Mason, 2015) while in Spain Podemos came out with the protest slogans "La Casta".

In Spain and Greece, both political parties took advantage of the deep financial crisis by subsequently denouncing austerity measures such as pension cuts, wage cuts, high taxes or even the intervention of European institutions in local economies, for these reasons their populism managed to be attractive and even very effective. "Syriza's short march to power presents a unique case of successful left-wing populism in Europe; a kind of populism that has been both inclusionary and egalitarian" (Katsambekis, 2016. p .9). Syriza even went so far as to take sole power in Greece, breaking a two-party system that had been in place for decades in this country. From this point of view, Syriza managed to politically galvanize the youth, the unions, and the middle class, giving more breathing space to democracy, but the populism of Syriza and specifically Tsipras brought about a strong polarization in society that was manifested in rhetoric such as "us against the international Troika" (EurActiv,2015) or even "the people against domestic traitors". The media was also polarized, dividing into camps, while trust between institutions weakened.

It should be noted that in the case of Syriza's populism, there was a phenomenon related to the Troika's harsh and entirely technical intervention in the national budget without considering the consequences for ordinary citizens. At this moment, Syriza's populism is considered a dam of democratic resistance against the Troika's austerity measures. He promised the Greek people that he would break away from European financial dependence. This rhetoric gave him power but during his 4 years in office he violated many of his commitments to the Greek people, especially non-cooperation with international financial institutions. This caused him to lose power 4 years later.

Refering to the impact of Podemos populism, we can mention that this political force managed to bring to parliament new people or activists who had not been a significant political voice before. This led to the expansion of the basis of representation in parliament, even breaking the two-party system between the left and the center-right. Another positive effect of Podemos as populism can be considered the pressure for the transparency of politicians or the investigation of corruption, which leads to increased citizen control over politics. The language used by Podemos was harsher towards the elite, which led to increased polarization, but the democratic system in Spain remained stable without being destabilized. The following fragment illustrates this antagonism during the first stage of the party (January to November 2014) "It is a problem of a caste of brazen people and a majority of citizens" (Iglesias, 2014)

In conclusion, we can say that in these countries left-wing populism had more democratizing than destabilizing effects. It is noteworthy that in both countries populism remained within the boundaries of the system and did not go towards anarchy. Even in Greece, where Syriza was more successful and managed to govern alone with a full mandate, the political system was not only not damaged but even revitalized. Failing to keep the promises of populist language, Syriza went into opposition after one mandate in power, the Syriza government gave the opposition the opportunity to prepare a better program and come to power with a more efficient

alternative.This is a case where we can say that populism enhanced the functioning of the democratic system. This case showed that populism was effective in taking power but not in holding it for more than one mandate, while it served to improve the political class which for years had been disconnected from the needs and priorities of ordinary citizens. "The strategic and discursive-performative approaches both treat populism as a practice- something that is done- and as a gradational phenomenon" (Moffitt, 2020:28).

5. **Populism and its relationship with democracy**

In academic circles, populism as a growing phenomenon has always created spaces for discussion about its relationship with democracy and democratic institutions. "In the space between the ideal of democracy and existing democracies, there is always room for criticism, monitoring, whereby reforms are established, injustices are criticized, and social movements are justified". (Norris, 2011). Among researchers of this phenomenon there are different approaches, supporting the idea that populism has a positive impact on strengthening democracy and democratic institutions or even the approach that populism weakens democracy to the point of endangering it, other researchers ascribe to populism poses a threat or corrective to the quality of liberal democracy (see Juon & Bochsler, 2020; Vittori, 2021). Many authors maintain that populism is foremost a democratic (Abts and Rummens, 2007; Alonso et al., 2011; Taggart, 2002; Urbinati, 1998). In this paper, the approach is balancing, supporting an intermediate relationship in the populism-democracy relationship. Following these frameworks, maintaining balance in democracy depends greatly on the quality of democracy, an idea that we also find in Weyland.(Weyland, 2020). Researchers who support the positive approach explain this in the vertical relationship between democracy and populism, in the direct mechanisms of citizen representation, and in the fact that these mechanisms potentially increase the efficiency of democratic institutions. (Canovan, 1999; Laclau, 2005; Mény & Surel, 2002).

"Populism offers a set of democratic tendencies-its ability to make politics more accessible and 'popular'; its capacity to encompass otherwise excluded, disenchanted or disenfranchised identities within its construction of 'the people"(Moffit, 2020:113) In contrast to the populist concept, elitist theory accepts the idea that a division between elite groups is necessary for the functioning of democracy.(Aron, 1950) However, we find that populism can remain within the bounds of democracy, but also reach the point where they enter into conflict and go their own separate ways". (Arditi 2007: 87) "Populists harm democracy as such and the fact that they have won the elections does not give their projects automatic democratic legitimacy". (Muller, 2019:73). Muller sees populism as a danger to democracy in general and not just to liberal democracy.

The essence of the populist state is nothing by law everything by vote. This means that the vote you get justifies the abuses of power. In this sense, we have a democratic state that takes power by vote, but this is not enough. We need a democratic state that ensures governance by vote, but we also need a state of law, so that laws and the separation of powers are respected. The citizen himself must be well-informed and

aware of the democratic process and bear responsibility for the vote. The greater this awareness, the more involved the citizen is in the democratic process and the secrecy of the vote does not fulfill and does not fully serve the democratic process. "But it is true that whoever transfers his power can also lose it" (Sartori, 1998:30). In this way, civic awareness of freedom and the power it carries would overcome the mystification of any power and would help maintain the balance between the retention of power and its rational delegation." The truth is that a theory of democracy based entirely on the concept of popular power serves the purpose of the fight against autocratic power beautifully. (Sartori, 1998:31)

5.1 The big question that arises in this global context is, does populist rhetoric threaten democracy?

"Democracy is damaged and needs serious repair, but it would be wrong and premature to talk about dictatorship." (Muller 2019, 74) It can be said that populist rhetoric can threaten democracy, but not in every case, as this depends on the institutional context or the democratic political tradition that a given country has. Populist rhetoric could pose a threat to democracy if citizens completely lose trust in legitimate institutions. Populism impacts democratic institutions (Urbinati, 2019). Populists mainly aim to present traditional institutions as enemies of the people in order to pit them against each other.

Another point where populism threatens democracy is when it creates a divide between the people and the elites, or between locals and foreigners. In this case, the division undermines political dialogue and respect for minority rights, which is one of the main pillars of democracy. There are times when populist leaders can use rhetoric to legitimize greater executive power at the expense of the separation and balance of powers.

A further risk is the attack on traditional media, attacking their very important role in an open and democratic society. In conclusion, what can be said is that populist rhetoric can endanger democracy when it creates extreme polarization in society, tends to delegitimize democratic institutions and encourages authoritarian rule. However, in countries with consolidated democracies, with independent institutions, with active civil society and independent media, these risks stemming from populism can be balanced without creating serious concerns for societies. In countries with independent judiciary, legal norms curb and fight corruption, causing populist rhetoric to lose the impact that it could have on the contrary in a country where justice would leave something to be desired.

In addition, the free and independent media has a mission to challenge populist rhetoric by clarifying and clarifying citizens with facts about the truth. In conclusion, we can say that a country with a free and fair electoral system would accept that even populist leaders, if voted, govern for certain periods without causing major damage, since democracy is the best self-regulating system that the global order has known to date. Ultimately, populist rhetoric, rather than being considered an enemy of democracy, should be seen as an alarm for any undemocratic deviation of the system, so that the reaction can be immediate and healthy in the function of a better and more prosperous society.

6. **Conclusion**

In conclusion, we can say that the democratic implications of populism are not predetermined, the impact of populist rhetoric materializes on the functionality of democratic institutions, which makes the process heterogeneous. Populist actors reconceptualize populist rhetoric as a lack of accountability because this would be a form of anti-democratic. Institutional stability, judicial independence and media freedom will mediate this very heterogeneous process, serving the will of the people and protecting the values of democracy. Democracy eroses not as a direct consequence of populism but conditioned by rhetorical strategies and institutional practices.
This paper in itself constitutes a theoretical analysis of the growing phenomenon of populism not only at the academic level but also practically in the exercise of public or political life as such. Politics, which is by nature also public, includes the category of citizen, who is supposed to have developed an awareness of authentic freedom and the power it carries by nature. Here populism is treated as a phenomenon within democracy and not outside it. Democracy itself, as a social model, has a difficult balance, an aware citizen would be the solution for maintaining balances and protecting freedom. It is up to every citizen to reflect and give his contribution to the protection of democratic values by clearly understanding populism and evaluating it as an instrument that would revitalize political life but without getting lost in populist rhetoric and strategies.

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Divorce law in the EU: Harmonization and divergences in national practices

Assoc. Prof. Ilir Rusi
University of Tirana Albania
https://orcid.org/0009-0009-6354-0358

Abstract

In order to place this research into the larger framework of the degree of harmonization of family law in the EU, this article compares the legislative frameworks controlling divorce and its repercussions in a number of EU Member States, including France, Germany, and Italy. The overall European framework, which tries to provide common norms for instances containing cross-border aspects, especially through instruments like the Brussels II Regulation, is first studied. However, marriage law regulation is still primarily at the national level. The study shows that despite a tendency toward legislation that is more similar, historical, cultural, and social variables continue to cause major disparities among Member States.
Procedural flexibility more divorce options, including notarial proceedings and a noticeable shift toward gender equality and child protection are characteristics of the French legal system. The irretrievable breakup of marriage is the foundation of German divorce law which is reinforced by legal presumptions that, in reality make it more akin to the French model. In contrast the court's participation in property split is more restricted in Italy where the focus is on protecting the child's best interests and formal separation as a first step.
The study comes to the conclusion that there are still substantial differences in both procedural and substantive issues, even if basic concepts like child protection and the ease of divorce processes have converged. These results offer a useful foundation for considering how to improve Albania's family law system while taking European best practices into consideration.

Keywords: European Union, Family Law, Property Regime, Legal Harmonization, Parental Responsibility, Divorce, etc.

1. Introduction

1.1. Divorce in the European Union

The purpose of this paper is to present a comparative overview of divorce law regimes in different Member States of the European Union. Specifically, this chapter will analyze the legal framework governing the dissolution of marriage and its consequences in France, Germany, and Italy. Initially, the analysis contained in this chapter will focus on the legal regime applicable across all Member States of the European Union, in order to reach a conclusion regarding the level of harmonization of the legal framework within the European Union with respect to divorce and its consequences. Subsequently, the legal framework in the above-mentioned Member States will be examined with the aim of identifying differences among these systems, giving particular importance to issues such as the dissolution of marriage, its consequences, and the rights and obligations of parents in relation to their children. Such an analysis will serve to reach a more complete and comprehensive conclusion for improving the legal framework of matrimonial law in Albania.

Matrimonial law within the legal framework of the European Union encompasses issues such as marriage, divorce, child adoption, and various matters related to parental responsibility following the dissolution of marriage. The aim of the institutions of the European Union is to establish common legal provisions concerning matrimonial law, so that European citizens may enjoy adequate legal protection in cases where they live in different Member States of the European Union (Choudry & Herring, 27 Apr 2010). However, these rules differ among various Member States of the European Union, as the development of matrimonial law is closely linked to the history, culture, and social development of each state. Thus, the determination of rights and obligations falling broadly within the scope of matrimonial law remains within the competence of the individual Member States of the European Union.

Legal practice across different states, with regard to family law, varies in several fundamental aspects, including issues such as the rights and obligations of married couples for example, in relation to the applicable property regime in cases where spouses apply for divorce, their role as parents, or the use of the marital surname. Another significant difference in legal practice among Member States concerns the relationship between religious and civil marriages. In some states, religious marriages are considered equivalent to civil marriages, whereas in others the opposite applies. Furthermore, another distinction relates to the possibility of marriage for same-sex couples. Belgium, France, Germany, Ireland, Norway, Portugal, Spain, and the United Kingdom provide such couples with the opportunity to marry (Herring, 2010). Despite the fact that the determination of rules applicable to matrimonial law remains within the competence of Member States, in cases where a particular issue such as divorce proceedings has implications involving spouses of different nationalities for example, when a Belgian national married to a French national seeks to separate the competent bodies of the European Union have established specific legislative procedures. These are largely set out in the Brussels II Regulation (Union., 2000), which are applicable and determine the rights and obligations of each party.

2. Divorce Law

2.1. Divorce Law and Its Consequences in France

The most important law of civil law, both in terms of its historical significance and its intrinsic value, is the French Civil Code. The foundation of this code is based on Roman Law, French Customary Law, and also Medieval Canon Law, especially in relation to family relations. This code is otherwise known as the Napoleonic Code, which had a major influence on the adoption of the French Civil Code. The Civil Code, or "Code Civil," has had a significant impact on the development of subsequent codes in European countries and beyond. The legal provisions governing the property regime between spouses are regulated by approximately 200 articles, namely Articles 1387–1587 (française, Version en vigueur au 05 avril 2026). According to this code, civil law also encompasses family law and matrimonial relations.

While the Civil Code was more progressive compared to the previous bourgeois law, in terms of matrimonial and family relations it represented, in some respects, a step backward compared to the legislation of the French Revolution. During the French

Revolution, equality between men and women and the equal status of children born within and outside marriage were recognized; however, the Civil Code established the subordination of the wife to the husband, as, for example, in Article 213 (française., Version en vigueur au 05 avril 2026). This subordination was particularly evident in various family and matrimonial-property relations. The Civil Code refers to the authority of the husband rather than that of both parents. Children born outside marriage were legally related only to the mother if the father did not voluntarily acknowledge them, as the establishment of paternity was prohibited (Article 340) (française., Civil Code (Code civil)., Version en vigueur au 05 avril 2026). These provisions aimed to strengthen the bourgeois family structure. Although the Civil Code formally remains in force, it has undergone numerous amendments over time, particularly in the section or book relating to family law.

In France, the main sources of family law are codified. With regard to matters such as marriage, divorce, parental responsibility, and child support, legal provisions are contained in the French Civil Code. The Family Court is the principal court that has jurisdiction over family matters. Its jurisdiction extends to issues such as parental responsibility, divorce, rulings on surnames, the rights and obligations of spouses, and the rights and obligations relating to children. Since January 1, 2016, the Family Court also has jurisdiction over the consequences of divorce, particularly with regard to issues such as the division of marital property and ownership (française., Civil Code (Code civil)., 2016). The legal regime applicable in cases of the dissolution of marriage has been modified several times in the past. In France, divorce procedures were recognized by law even before the adoption of the Reform Act of 1975; initially, they were provided for in the Napoleonic Code of 1804.

In 1975, the French legislature, in response to changes in the mindset of French society, enacted a law that expanded the possibilities for couples to apply for divorce, by recognizing grounds such as mutual consent, fault of one of the parties, physical separation for more than six years, or the mental instability of one of the spouses for at least six years (française., Civil Code (Code civil)., 2016). These grounds are listed in Article 230 of the French Civil Code.

Starting from January 1, 2015, divorce by mutual consent may be carried out through a contract concluded before a notary. Thus, it can be concluded that in France, legislators have adopted several expedited procedures in cases of divorce. With regard to the property regime following divorce, the French legal framework has undergone several fundamental changes over the past 100 years. The entry into force of the law of February 18, 1938, put an end to the legal practice of considering the wife as the injured party as a result of divorce, which had effectively led to a situation where the husband was obliged to transfer a significant portion of his property in order to ensure the wife's ability to live. With the entry into force of the reform law of 2006, spouses are able to choose between two property regimes. The first, and the most preferred, is based on the principle that spouses have joint ownership of assets and property.

With regard to the protection of children, under French law, the primary function of parental authority is the protection of children (Idrizi, 2018). Thus, the French legal framework requires spouses, after divorce, to ensure the safety, health, and educa-

tion of their children. Until 1970, the obligations for the care of children rested solely with the husband, until the entry into force of the reform act of 1985.

2.2. Divorce Law and Its Consequences in Germany

In Germany, the main sources of provisions broadly relating to family matters are contained in statutes. The principal provisions that elaborate the concept and purpose of marriage, as well as the rights of spouses, are set out in Sections 1291–1921 of the German Civil Code (Protection., 10 August 2021). Family matters are defined in Section 111 of the Law on Family Proceedings. The competent court is the District Court of First Instance, pursuant to Section 23a of the Law on the Judicial System. These cases are adjudicated by a single judge, and the public is not permitted to attend the proceedings.

With regard to divorce procedures, in recent years German legislators have introduced several expedited procedures. The applicant must be represented by a lawyer, in accordance with Section 114 of the Law on Family Proceedings (Rupp, 2009) An application for the dissolution of marriage must include information such as the names and addresses of the parties, the name and address of the competent court, as well as the reason that led the spouses to decide to separate, in addition to the names and dates of birth of minor children and their address.

Legal proceedings concerning child custody and visitation rights usually begin with an application before the competent court. In such proceedings, the parents of the children and the authorities responsible for the welfare of children must generally be heard. German divorce law recognizes only one ground that may be considered in applications for the dissolution of marriage, pursuant to Section 1565 of the German Civil Code. According to the explanation provided in this section, spouses may apply for divorce only if there is no longer any possibility of reconciliation between them (Rupp, Die Situation von Kindern in gleichgeschlechtlichen Lebenspartnerschaften., 2009).

Although at first glance the German position on this matter may appear stricter compared to the French one, it should be noted that, under Section 1566 of the Civil Code ((n.d.)., 2016), there are several presumptions regarding the breakdown of a marriage for example, if the couple has been physically separated for a long period, if one spouse has a mental disorder, or if multiple instances of infidelity are evident. In fact, these legal presumptions make the German position very similar to the French one. The property regime is also identical to that in France, allowing spouses considerable choice in how their assets will be divided.

2.3. Divorce Law and Its Consequences in Italy

Under the Italian Civil Code, a marriage is dissolved by the death of one of the spouses or in cases provided for by law under Article 149 of the Civil Code (Codice Civile Italiano, CCI) ((n.d.). R. I., REGIO DECRETO 16 marzo 1942, n. 262). The civil effects of a marriage entered into according to religious rites also cease upon the death of one spouse or in other cases provided for by law.

The personal separation of spouses can be achieved either by mutual agreement or through judicial proceedings under Article 150 CCI ((n.d.), REGIO DECRETO 16

marzo 1942, n. 262). Judicial separation may occur when certain facts are established, regardless of the will of one or both spouses facts that make the continuation of cohabitation impossible or that cause serious harm to the upbringing of the children. Upon publication of the judgment, the judge, if circumstances warrant and upon request, indicates which spouse is at fault for the separation. Possible reconciliation between the spouses leads to the withdrawal (termination) of the requested personal separation petition.

In cases of personal separation, the minor child has the right to maintain a balanced and continuous relationship with both parents, to be cared for, educated, and advised by both. The court may, by judgment, assign the child's care and upbringing to one parent only, in cases where joint custody is opposed, under Article 155 ((n.d.), Approvazione del testo del Codice civile. (042U0262), REGIO DECRETO 16 marzo 1942, n. 262). Parents have the right to request a review of the decision regarding the child's care and upbringing.

Under this Code, determination of the family home and related residence orders is made with priority given to the interests of the children. Provisions in favor of adult children empower the judge to make decisions in their favor after evaluating the circumstances, particularly for those who are not economically independent; the judge may also order periodic payments for children with physical or mental disabilities cases to which the provisions for minor children apply. Before issuing a decision, the judge may hear the minor child who has reached the age of twelve, or even younger if deemed capable of judgment, and the decision will take the child's views into account.

The Italian marital law regime is contained in Articles 1–455 of the first book of the Civil Code. These provisions cover matters such as the family, marriage, the rights and obligations of spouses, and property regimes. Divorce procedures are contained in Articles 150–158, while rules regarding child welfare are set out in Articles 315–337. Separation, divorce, and child support proceedings are conducted before specialized divisions in courts of first-instance ordinary jurisdiction. (Panforti, 2007)

According to Articles 1 and 2 of the Italian law on divorce, which applies to both civil and religious marriages, the sole ground for divorce is the termination of the marital and spiritual unity between the spouses, which is determined by the existence of one of the criteria listed in Article 3. A simple analysis of these criteria clearly shows that the Italian position on this matter is almost identical to that adopted by French and German legislators. Within the Italian legal framework, there is no precise definition of the concept of parental responsibility. However, it is important to note that, according to the jurisprudence of Italian courts, this concept encompasses rights and obligations that parents may have and for which they are responsible toward their children ((n.d.). R. I., Approvazione del testo del Codice civile. (042U0262), REGIO DECRETO 16 marzo 1942, n. 262).

The essence of this parental authority requires that, in the case of divorce, parents are jointly responsible for the moral and material well-being of the child. Practically, in divorce cases, parents must ensure together taking into account their financial capabilities, that the rights guaranteed under the specific Italian law for the protection of children's rights are upheld. In cases where Italian law applies to divorce

proceedings, the courts do not have the competence to decide on the division of movable and immovable property. In such cases, the court can only rule on child custody and may transfer ownership of the family home to the spouse who is granted custody. If the spouses do not have children, the court is prohibited from granting ownership of the family home to the wife, even if reasoning might suggest she is the less advantaged spouse.

Here, one can observe the evolution in the perception of marital relationships. As was also the case in France, in Italy, in recent years, the idea that the wife is in a less favorable position after divorce and therefore deserves greater legal protection compared to the husband is no longer applied.

3. Conclusion

We have analyzed a comparative overview of divorce law regimes in different member states of the European Union. Specifically the study examined the legal framework for the dissolution of marriage and its consequences in, France, Germany, and Italy. Initially, the analysis focused on the legal regime applicable across all EU member states to draw conclusions regarding the level of harmonization of the legal framework within the European Union concerning divorce law and its effects.

Furthermore, the legal frameworks of the aforementioned member states were analyzed to identify differences, with particular attention to issues such as the dissolution of marriage, its consequences, and the rights and obligations of parents concerning their children. Such an analysis serves to reach a more complete and comprehensive conclusion for improving the legal framework of marital law in Albania.

For example, regarding the protection of children, it can be concluded that under French law, the primary function of parental authority is the protection of children. Accordingly, the French legal framework obliges spouses, after divorce, to ensure the safety, health, and education of their children. Similarly German and Italian legislation is largely aligned with this approach although German, law has introduced several expedited procedures in recent years regarding divorce proceedings.

Another important development is the evolution, toward equality between spouses. Traditional models that favored one party have been replaced by more balanced and neutral approaches aiming to guarantee material fairness and protect equal rights for, both spouses after divorce. In all the systems analyzed the protection of the best interests of, the child occupies a central role. The relevant legislation seeks to ensure the welfare, education, and development of children, promoting joint parental responsibility even after the dissolution of marriage, reflecting a consolidated European standard.

Regarding property regimes, differences remain more pronounced. France and Germany offer greater flexibility in choosing and dividing property whereas in Italy the court's role, in this regard is more limited. This indicates that harmonization, in this aspect remains partial and fragmented.

Finally, there is a general trend toward, the simplification and acceleration of divorce procedures particularly in, France and Germany reflecting the need for more efficient

and less conflictual resolutions. These developments provide an important model for improving Albanian legislation, drawing on the best European practices and adapting them to the national context.

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Albanian Traditional Products in EU Quality Schemes

Melisa Verria
Albanian Investment Development Agency (AIDA)

Abstract

The European Union's quality schemes, initially defined by Regulation (EC) No. 510/2006 and later expanded through Regulation (EU) No. 1151/2012, provide a framework for protecting agricultural and food products with distinctive qualities. While global icons such as Café de Colombia, Darjeeling Tea, and Argan Oil illustrate the system's openness to third-country producers, the Albanian case offers a compelling example of how smaller nations can leverage certification to safeguard heritage and promote rural development.

Albania has actively engaged with EU quality schemes, with several products in different stages of certification. Jufka e Dibrës (PGI), a traditional handmade pasta linked to the Dibër region, embodies centuries-old culinary practices. Fasule Lekbibaj (PGI) reflects unique agro-climatic conditions in Tropojë, producing beans renowned for their flavor and resilience. Mjalti i Bedunices (STG) showcases artisanal beekeeping traditions in Përmet, while Gliko Arre dhe Kumbulla e Thate e Shumbatit (PGI/STG) highlight the preservation of fruit-based delicacies deeply rooted in local culture. These products not only represent Albania's gastronomic identity but also serve as vehicles for economic empowerment in rural areas.

Certification, however, entails significant costs. Producers must prepare technical dossiers, conduct laboratory analyses, undergo external audits, and pay registration fees, with initial expenses ranging from €7,000 to €15,000 and annual inspection costs of €1,000-2,000. For small-scale producers, these figures are substantial, often requiring collective organization through cooperatives to share resources. Support from EU-funded projects (IPARD, GIZ) and national subsidies has been crucial in making certification attainable.

Despite these challenges, the benefits are transformative. Certified products gain legal protection, preventing misuse of names, and achieve higher market value through enhanced credibility. They also secure access to EU markets, where consumers increasingly demand authenticity and traceability. Beyond economics, certification preserves traditional knowledge, strengthens cultural identity, and promotes Albania's visibility in the European gastronomic landscape.

In conclusion, Albania's participation in EU quality schemes demonstrates how traditional products from smaller nations can achieve international recognition. The evolution from Regulation 510/2006 to 1151/2012 has provided a more inclusive and structured pathway, enabling Albanian products to stand alongside global examples. This process underscores the importance of combining legal frameworks, financial support, and community participation to ensure sustainable success.

Keywords: PDO, PGI, STG, EU Regulation 510/2006, EU Regulation 1151/2012, Albania, rural development, traditional products, certification costs.

1. Introduction and background

The European Union (EU) has established a robust framework to protect agricultural and food products that embody regional traditions, cultural heritage and distinctive qualities. Central to this framework are the *Protected Designation of Origin (PDO)*, *Protected Geographical Indication (PGI)* and *Traditional Specialities Guaranteed (TSG)*

schemes. Regulation (EC) No. 510/2006 laid the foundation for PDO and PGI protection, while Regulation (EU) No. 1151/2012 expanded and modernized the system. Importantly, these schemes are not limited to EU member states but are open to third countries, thereby reinforcing the EU's role in promoting global authenticity and quality. Albania's recent participation in these schemes highlights the system's relevance for candidate and neighboring countries. Considering the "momentum" in Albania, while the visibility and the foreign and local investments are growing rapidly, for the agricultural sector EU certifications are a real growth multiplier. For the Country, the future momentum is not just "Agriculture" but "Certified Agriculture".

2. EU Quality Schemes for Agricultural and Food Products: Comparative Analysis and Global Reach

- Regulation 510/2006: Foundation of PDO and PGI Protection

At the time of its approval (approved on 20 March 2006 and adopted on 31 Mars 2006**)** the Regulation 510/2006 had the scope to unite the legal guardianship of agricultural and food products (excluding wines and spirits, covered by separate regulations). It was focused exclusively on PDO and PGI products (articles 2, 5 and 7) and its objective was to protect designations of origin and geographical indications against misuse, imitation, and misrepresentation. The key provisions for the PDO category was to make sure that the entire production, processing, and preparation had to occur in a specific area using traditional know-how. For the PGI category at least one stage of production or processing must occur in the designated area. Also, producers must apply for protection with detailed specifications. Legal protection prohibits unauthorized use of registered names. Some examples of important categories representatives are Parmigiano Reggiano (PDO), Prosciutto di Parma (PDO), Feta cheese (PGI). It did not introduce new substantive rules but, its relevance was in establishing the **practical procedures** for applying the protection of *Protected Designations of Origin (PDO)* and *Protected Geographical Indications (PGI)* for agricultural and food products. The Benefits of this legal discipline are many. The most important can be specified in the Guarantees of authenticity and quality for consumers, the Support on rural economies, particularly in disadvantaged regions, the promotion of diversification in agricultural production and the preservation of local traditions. This regulation established a clear legal basis for protecting products tied to geographic origin, reinforcing consumer trust and providing competitive advantages in international markets.

- Regulation 1151/2012: Expansion and Modernization

Regulation 1151/2012 broadened the EU's quality framework by consolidating PDO, PGI, and introducing new schemes. The date of its adoption is 21 November 2012 and the scope of the discipline expansion was to add *Traditional Specialities Guaranteed (TSG)* category to protect traditional recipes regardless of geographic origin. It added optional quality terms introducing labels such as "mountain product" or "farm product," enhancing consumer information. This regulation provided a legal consolidation by unifying all quality schemes under a single legislative act, simplifying procedures for producers and national authorities. The regulation provides a better

consumer orientation by emphasing transparency and consumer awareness about product quality and provenance. It represented a reform that not only protected origin-based products but also safeguarded traditional practices and promoted cultural and gastronomic diversity across the EU. Some practical examples are:

- *Parmigiano Reggiano (PDO):* Protected under Regulation 510/2006, ensuring only cheese from designated Italian regions could bear the name.
- *Traditional Mozzarella (TSG):* Only protected after Regulation 1151/2012, which extended recognition to traditional recipes independent of geography.

Thus, while Parmigiano Reggiano enjoyed protection before 2012, Traditional Mozzarella gained recognition only with the newer regulation. Regulation (EU) No. 1151/2012 replacing Regulation 510/2006, made the possibility for non-EU third countries to certify products as PDO, PGI, or TSG *clearer and more structured*. Its Key Articles related to Third Countries are articles 8, 49, 50, 51 and 52 who provide the procedure for the third Countries to access the guardianship of the EU discipline. It represents a unified procedure that clarifies that third countries follow the same process as the EU members states. An additional requirement is that the production must be protected in its country of origin to prevent misuse. Each of the key articles for third countries provides the procedure for the applications for registration (article 49, which stipulates that Producer groups from a third country may submit requests directly to the European Commission, along with the technical dossier, article 50 which stipulates the examination and opposition procedure where the Commission reviews the application and publishes it for objections. Interested parties may oppose registration, article 51 which stipulates the Commission decision who, after reviewing objections, decides whether to approve or reject the application and article 52 which stipulates the registration and publication, when, once approved, the product from a third country is registered as PDO/PGI/STG and enjoys legal protection throughout the EU).

Some Practical Examples under Regulation 1151/2012 are:

- *Café de Colombia (PGI)* – Colombia
- *Darjeeling Tea (PGI)* – India
- *Argan Oil (PGI)* – Morocco
- *Ceylon Cinnamon (PGI)* – Sri Lanka

With Regulation 510/2006 the discipline was simpler but less detailed, with Regulation 1151/2012 it becomes structured, with clear steps. The key differences between the two norms are mostly in the sense that Regulation 510/2006 was more limited, covering only PDO/PGI and mentioning thirdcountry applications mainly in Article 12. Regulation 1151/2012 instead expanded the framework to include TSG and optional quality terms and clarified the procedure for third countries. Regarding the transparency, Regulation 1151/2012 introduced a more detailed process for objections and Commission decisions. Some examples of third countries that followed the procedures of the two different regulation are:

- *Café de Colombia*, *Darjeeling Tea*, under Reg. 510/2006:
- *Argan Oil*, *Ceylon Cinnamon*, *Blue Mountain Coffee*, under Reg. 1151/2012

We can definitely say that Regulation 1151/2012 is more advanced and structured in how it handles applications from third countries, giving them a complete and equal procedure compared to EU member states.

Regulation No.510/2006 and Regulation No.1151/2012 have also their implementing acts, respectively, Regulation (EC) No. 1898/2006 and Regulation (EU) No. 664/2014.
- Regulation (EC) No. 1898/2006: Practical Procedures
It did not introduce new substantive rules but established the practical procedures for applying the protection of *Protected Designations of Origin (PDO)* and *Protected Geographical Indications (PGI)* for agricultural and food products. It defined the application procedures on how producers should submit PDO/PGI registration requests to the European Commission, set the technical specifications on the minimum of the documentation requirements (product description, link to geographical origin, production method), regulated the publication phase and the possibility for third parties to oppose, clarified how registered names were protected against imitation or misuse, and also explained the role of member states and third countries, on how national authorities should transmit applications and how nonEU countries could participate. Regulation 1898/2006 was a technical implementation act that made PDO/PGI protection operational, ensuring transparency and uniformity until its replacement in 2014. It remained valid until 21 June 2014, when it was repealed and replaced by Regulation (EU) No. 664/2014.
- Regulation (EU) No. 664/2014- Simplification and Transparency
Was adopted on 18 June 2014 and aimed to simplify and make more transparent the implementation of PDO, PGI, and TSG certification under Regulation (EU) No. 1151/2012. Its key innovations are:
1) The EU symbols introduced mandatory official logos for PDO, PGI, and TSG on labels, ensuring immediate recognition (Annexes I–III).
2) Clearer procedures with detailed rules for applications, publication, opposition, and Commission decisions (Article 8–10)
3) Uniformity for the procedures for EU and nonEU producers in raw materials (Article 7)
4) Transparency by strengthened opposition phase with clearer timelines and processes (Articles 8, 9 and 10)
5) Establishing transitional rules, managing ongoing applications to ensure continuity between the old and new systems (Articles 11 and 12)
This regulation unified the rules and replaced fragmented procedures (Regulations No. 510/2006 and No. 1898/2006). It introduced standardized steps with reduced bureaucratic complexity and also, created better accessibility for thirdcountry producers with clear and equal procedures. Regarding the mandatory EU symbols, they established visibility and recognition and increased trust.
Regulation 664/2014 simplified and standardized procedures, introduced official EU logos, and strengthened transparency-making the EU quality schemes more effective and internationally accessible. It was in force until lately, 17 January 2025, when replaced by Regulation EU No. 2025/27.
- Regulation (EU) 2024/1143: Re - modernization
Adopted on 11 April 2024, *is the new cornerstone law on geographical indications (GIs)* in the EU, the clue norm of the Eu legislation in the matter. It modernizes the system for *wines, spirit drinks, and agricultural products,* introduces clearer rules for traditional specialties guaranteed (TSGs) and optional quality terms, and repeals

the older Regulation (EU) No. 1151/2012. As it modernizes GI System, by repealing Regulation (EU) No. 1151/2012, it consolidates rules into one updated framework and amends related sectoral regulations: 1308/2013 (wine), 2019/787 (spirit drinks), and 2019/1753 (agricultural products trade). It reviews transparency and opposition by strengthening the opposition phase with clearer timelines and procedures. This regulation also provides Digitalization norms, moving much of the GI applications and management process to digital platforms, making it easier for all producers, third countries included, to apply and track progress. Specific digital tools for applications, amendments, and objections are now available. GI protection in online sales and e-commerce is now explicit, comparing to less clear rules in older regulations. Regarding logos, Regulation (EU) 2024/1143 updates rules for the use of EU quality logo**s** (PDO, PGI, TSG) and creates mandatory use of official EU symbols on packaging and marketing materials. This enhances consumer's trust in EU quality schemes, especially in the digital marketplace.

- Regulation EU No. 2025/27: Transparency and clearer procedural and publication rules

This one, was adopted on 30 October 2024. It applies to agricultural products and foodstuffs covered by Regulation (EU) 2024/1143 and both regulations cover PDOs, PGIs, TSGs and optional quality terms (e.g. "mountain product"). Their scope is to provide a stronger transparency with clearer rules for the opposition phase, with definer timelines and procedures and more transparency for the publication phase, since every application approval is now published in the Official Journal of the EU.

Both regulations make many other relevant changes also regarding enhancing protection with stronger safeguards against misuse, imitation or misleading practices, further simplify procedures for applications, amendments, and objections, reducing administrative burdens and harmonize processes across member states and third countries. As for the last legal prevision, new regulations create clearer pathways for nonEU producers to register their products in the EU and continue to provide an equal treatment with EU producers, <u>but with stricter documentation requirements</u> to prove authenticity. This because of several reasons:

1) Given that, geographical indications (PDOs/PGIs) rely on a strong link between the product and its place of origin**,** for third countries, the EU cannot directly oversee local production, so extra documentation is needed to prove the product genuinely comes from the claimed region.

2) EU producers are subject to strict national and EU checks. To avoid unfair competition, thirdcountry producers must meet equivalent standards and provide detailed evidence of compliance.

3) Stronger paperwork ensures that if disputes arise (e.g., over trademarks or similar names), the EU has clear records to defend the GI in court and, also in international context, as many thirdcountry GIs (like Darjeeling Tea or Colombian Coffee) are registered in the EU, stricter requirements align with WTO TRIPS standards and help the EU negotiate reciprocal protection agreements with partner countries.

3. Certification for Third Countries

The EU's quality schemes are open to non-EU countries, allowing global products to benefit from PDO/PGI protection. Authorities or producer groups from third countries apply by submitting requests to the European Commission. The criteria for being admitted by the competent EU authority is that the products must demonstrate qualities, reputation, or characteristics linked to geographic origin or traditional methods. The legal protection once registered means for producers that the names are protected across the EU, preventing imitations. The advantages of this recognition consist in gaining credibility and added market value. Consumers also receive guarantees of authenticity and quality and the EU strengthens trade relations and diversifies traditional product offerings. As mentioned before, there are many examples of non-EU products registered as PGI/PDO, such as:

- Café de Colombia (PGI, Colombia)
- Darjeeling Tea (PGI, India)
- Argan Oil (PGI, Morocco)
- Blue Mountain Coffee (PGI, Jamaica)
- Kona Coffee (PGI, Hawaii, USA)
- Penja Pepper (PGI, Cameroon)
- Ceylon Cinnamon (PGI, Sri Lanka)

PGI denomination is more common for third-country products, as it requires only reputation or one stage of production to be linked to the geographic area, while PDO is rarer, since it requires the entire production process to occur in the region of origin. All certified products are listed in the official EU registry, *eAmbrosia*.

4. Albania's Participation in EU Quality Schemes

In recent years Albania has experienced an important growth in agricultural investments. The main objective remains sustained growth achievement, driven by EU integration policies, export increase and modernization programs. Related to these goals key indicators of this momentum show that agricultural exports increased from 150 million euro in 2013 to about 570 million euro in 2024 with the goal of 1 billion euro in 2030, meanwhile export volumes grew from 905.000 tons in 2021 to about 1.1 million tons (+21,6%) in 2025. Agriculture in Albania remains one of the main sectors of the economy, contributing approximately to 18-20% of the GDP, 40-45% of the employment and to 8-11% of the exports, indicating one of the most strategic investment sectors in Albania, unlike most of the EU economies where agriculture contributes only around 2% of the GDP. Investment growth is not random but driven by policy, funding and export incentives. Government financing programs concern concrete areas of the sector like agri-processing, agritourism, greenhouses, agricultural technology, aquaculture, offering a financing scheme in 2025 of 250 million euro. The financing scheme aims to achieve a value-added agriculture, not just raw production. Also, Eu Pre-Accession Investments (IPARD Programs) which are strong investments engines, contribute in growing faster. New financing schemes aim also to fix the gap only 2.1% of Bank loans to agriculture. The limited access to Credit together with fragmented land ownership (average farm size is about 1.2 ha) represent the major

constraints to investments in agriculture sector.
As actually Albania exports agricultural goods to over 80 international markets, many in the EU, several products, such as medical herbs, wine and olive oil are better aligning with EU rules and standards as lately Albania is more and more engaged in registering its products under EU quality schemes, highlighting the system's inclusivity and global reach. By acting in this direction, Albania intends to promote its tradition, its potential and culinary heritage. Considering that under EU certifications, traditional products gain legal protection and recognition in the EU market and increase value, the certification EU brings economic advantage**,** opening bigger export opportunities. The EU labels also guarantee controlled quality and origin, making possible this way to increase consumers trust.
High potential areas of investments linked to EU certifications are those such as dairy products, wine and olive oil. Furthermore, many Albanian culinarian products also received or are in process to receive EU certification.
Some examples of Albanian products in certification process are:

- **Jufka e Dibrës** (PGI, Dibër) – A renowned product of Albanian cuisine, closely tied to the Dibër region, applied and published for registration.
- **Fasule Lekbibaj** (PGI, Tropojë) – Beans cultivated under unique climatic conditions in Tropojë, applied and published for registration.
- **Mjalti i Bedunices** (STG, Përmet) – A distinctive honey from Përmet, known for its flavor and traditional production methods, Specification changes in process, published in 2024.
- **Gliko Arre, Kumbulla e Thate e Shumbatit** (PGI/STG, Përmet) – Registered in December 2023.
- **Vaj Ulliri Balmi, Elbasan** (PGI, Elbasan)**-** Approved for protection in 2025.

5. Certification Costs for Albanian Products (PDO/PGI/STG)

Certification is relatively expensive for producers, as it involves:

- Preparation of the technical dossier (documenting traditional methods, origin, specifications).
- Laboratory analyses (quality, food safety, compliance with EU standards).
- External audits (verification by accredited organizations).
- Registration fees (application and publication in the EU registry *eAmbrosia*).
- Ongoing costs (periodic inspections and maintaining standards).

It is challenging for small businesses to apply for certifications, since they struggle with high costs, especially for exports to the EU. Also, additional BIO/organic certification often required, increase expenses. Currently, the applying procedures are made with the institutional support, given that the Albania's Ministry of Agriculture provides subsidies and technical assistance and helps cover part of the costs and international projects such as IPARD, GIZ, USAID, give a huge contribution too.
Beside those already certified, there is a very long list of Albanian products candidate for PDO/PGI certifications. Albania possesses a significant untapped potential for geographical indication registration, particularly in mountainous and rural regions. Different categories of honeys, herbal teas, medicinal herbs, wines, olive oils, cheeses, and many more are commonly discussed in literature and not only, as potential

candidates. More than 50 Albanian traditional products have been identified and many files with Albanian products applications are ready and it is expected soon for Albanian list of EU certificated products to be long.
Main candidates with strong geographical link between tradition, region of origin and products characteristics are:

a) in the Cheese category:
- Gjirokastra cheese
- Dropull cheese
- Korça cheese (Mokra goat cheese)
- Shkodra mountain cheese
- Labëria sheep cheese
- Pustec cheese

b) in the Honey and Beekiking products:
- Tropoja Chestnut Honey
- Shkodra Sage Honey
- Librazhd Mountain Honey
- Puka Alpine Honey

(Mountain regions are often recognized with high GI potential due to distinctive flora).

c) Fruits and nuits:
- Korça apples
- Tropoja chestnuts
- Devoll cherries
- Përmet walnuts

d) Wine and Grape Varieties:
- Kallmet wine
- Sheshi i Bardhë wine
- Sheshi i Zi wine
- Debinë wine (Përmet)
- Serina wine (Korçë)
- Rakia e Skaparit

e) Medicinal and Aromatic Plants:
- Sage (Salvia officinalis)
- Oregano
- Thyme
- Chamomile
- Mountain tea (Sideritis)
- Lavender

(This sector has strong export potential and aligns closely with organic certification schemes).

f) Legumes and traditional Crops
- Shala Beans (Shkodër)
- Hocisht Beans (Korçë)
- Rozafa Maize
- Velipoja Potatos
- Kukës Potatoes

g) Fishery products
- Koran fish (Pogradec)
- Belushka Fish (Pogradec)
- Shkodra Carp

(Laked based ecosystems provide strong territorial characteristics relevant for PDO schemes).

h) Traditional meat products:
- Gjirokastra dried meat
- Kërnacka Korçe
- Labëria lamb meat

The estimated benefits of the certifications consist in the legal protection against imitation, since it prevents imitation and misuse of product names, on a higher market value and reputation since certified products sell at higher prices and gain stronger reputation, in the rapid access to EU markets, since certification is essential for entry into EU markets and, nevertheless, in the preservation of cultural heritage, since it safeguards traditional methods and recipes.

Certification costs are substantial for Albanian producers, ranging between €7,000–15,000 initially, plus €1,000–2,000 annually Concretely, the estimated costs are as follows:

- Initial certification: €7,000–15,000 depending on product complexity.
- Annual maintenance: €1,000–2,000.
- Example (Jufka e Dibrës PGI): €9,000–12,000 initial, €1,000–2,000 yearly.
- Example (Fasule Lekbibaj PGI): €7,500–10,500 initial.

To make the differences clearer between different products, lets analyze in a comparative way Jufka e Dibrës v.s Fasule Lekbibaj. Processed foods like Jufka e Dibrës cost more than raw agricultural goods like Fasule Lekbibaj, mainly due to complex documentation and audits. Jufka e Dibrës has a complex production (preparation, drying, storage) and higher documentation and audit costs. Fasule Lekbibaj has a simpler cultivation-based certification, which means lower overall costs.

Phase	Jufka e Dibrës (€)	Fasule Lekbibaj (€)
Technical dossier	3,000–4,000	2,500–3,500
Laboratory analyses	1,500–2,500	1,000–2,000
External audits	3,000–5,000	2,500–4,000

Phase	Jufka e Dibrës (€)	Fasule Lekbibaj (€)
Registration fees	500–1,000	500–1,000
Inspections	1,000–2,000	1,000–2,000

Certification is expensive but strategically, very important for a small Country with limited resources as Albania. It boosts product reputation, secures EU market access, preserves culinary heritage and ensures long-term benefits outweigh the costs, especially with institutional support.

Conclusion

Given the arguments presented, could be said that the evolution from Regulation 510/2006 to 1151/2012 and from them to Regulation (EU) 2024/1143 and Regulation EU No. 2025/27 reflects the EU's commitment to protect not only geographic authenticity but also traditional practices and products diversity. By opening its quality schemes to third countries, the EU has created a global system that promotes authenticity, supports rural economies, and preserves cultural heritage.
Albania's active participation demonstrates how candidate countries can leverage these schemes to protect their culinary traditions, enhance economic opportunities, and strengthen cultural identity. Ultimately, the EU's PDO, PGI, and TSG frameworks serve as powerful tools for safeguarding heritage and promoting trust in agricultural and food products worldwide.

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Levee Overtopping Screening for the Shkumbin River Floodplain

Olsi Barko
Polytechnic University of Tirana, Faculty of Civil Engineering, Tirana, Albania

Abstract

Flood-risk management in river floodplains often relies on levee systems whose hydraulic performance may degrade over time due to aging, limited maintenance, and evolving channel–floodplain conditions. In the Shkumbin River floodplain, levees constructed in the 1970s have not been systematically reassessed under present-day conditions, despite substantial changes in land use, population exposure, and river morphology. Contemporary hydraulic modelling tools enable an updated levee performance assessment by simulating flood hydraulics across the floodplain and comparing predicted water-surface elevations against levee crest elevations to quantify freeboard and identify potential overtopping locations.
This study presents a levee overtopping screening for the Shkumbin River floodplain based on the 20-year return-period design hydrograph. A 2D unsteady hydraulic model is developed in HEC-RAS v6.6 to simulate flood propagation and spatial water-surface elevations across the floodplain. Model outputs are evaluated against levee crest elevations to map reaches with freeboard deficiency and overtopping susceptibility, and to support the identification of practical mitigation measures (e.g., crest raising at critical reaches, local reinforcement, erosion protection, and targeted inspections). The modelling workflow follows established guidance for 2D HEC-RAS applications and aligns with internationally recognized good practice in levee safety and management.

Keywords: Levee overtopping, levee performance; floodplain hydraulics; hydraulic modelling.

1. Introduction

Flood protection in alluvial lowlands has historically relied on the construction of levees designed according to the standards and hydrological knowledge available at the time of sizing. In Albania, during the 1960–1980 decades, the design of flood-protection works along major rivers was guided by national land-reclamation and flood-protection standards, in which design discharges were often associated with exceedance probabilities of 5% (T20) or 3% (T≈33), while the 1% discharge (T100) was typically used as a check flood; these criteria were reflected in Albanian standards of the 1970s and in the regulations adopted later for reclaimed areas. The levees of the Shkumbin River lowland were largely dimensioned during this period, based on the hydrological records and analytical methods available at that time; however, after more than four to five decades, the boundary conditions underlying the original design have changed substantially. Changes in catchment land use, anthropogenic interventions in the river channel, its morphological evolution, and climate variability may have altered the flow regime and the stage–discharge relationship at representative river sections. For this reason, international literature and practice emphasize that flood-protection structures should be periodically reassessed, because the level of safety they provide can diminish over time due to hydrological and morphological changes and shifts in exposure conditions (European Parliament & Council, 2007; U.S. Army

Corps of Engineers [USACE], 2016). A key component of such hydraulic reassessment is the updating of roughness coefficients: in historical designs, Manning's coefficient (n) was often taken from standard tables and assumed uniform over relatively broad model reaches, whereas today the availability of raster land-use and land-cover data enables a more realistic, spatially variable representation of hydraulic roughness by linking land-use classes to corresponding Manning values and thereby capturing the influence of vegetation, urban areas, agricultural land, and natural surfaces on flow resistance; the selection of Manning's n is also recognized as one of the main sources of uncertainty in flood hydraulic modelling, and more realistic treatment (e.g., spatially distributed n) improves the credibility of simulations (Arcement & Schneider, 1989; Brunner, 2020). In parallel, reassessment also requires revisiting design discharges on updated statistical bases, since historical estimates of characteristic floods were often derived from relatively short observation records typical of the monitoring conditions of the 1960s–1970s; extending the time series and incorporating more recent data can lead to revised flood quantiles, including the 20-year flood (Q20), while hydrological literature shows that record length directly affects the stability of quantile estimates and their uncertainty (Stedinger et al., 1993; World Meteorological Organization [WMO], 2009). In this context, reassessing the safety of the Shkumbin River levees using updated data, more realistic hydraulic parameterization (including spatial roughness), and contemporary hydraulic modelling is of direct public and scientific interest, as it enables verification of the current level of flood protection for a given exceedance probability and the identification of potentially vulnerable levee reaches. The aim of this study is to reassess the hydraulic safety of the Shkumbin River levee system under the updated 20-year return-period design hydrograph and to identify levee sections potentially susceptible to overtopping.

2. **Materials and methods**

2.1 Study Area

The study focuses on the Shkumbin River floodplain along the reach where the river transitions from the hilly sector to the alluvial plain and interacts with the adjacent inundation area. In this reach, the mild longitudinal slope, the wide floodplain, and the presence of levees strongly influence flood propagation, water levels, and the potential for overtopping during high-flow events. The levee system plays an important role in controlling overbank flow; however, its performance may vary spatially depending on crest elevation, local geometry, and hydraulic loading. The hydrodynamic model was developed using a 2 m resolution raster DEM, together with land-cover data for the spatial parameterization of Manning's roughness coefficients (n). The hydrological dataset is based on annual maximum discharges for the period 1949–1991, which served as the basis for the reassessment of design flows. The description of the study area and the baseline model configuration follow the previously published study by Barko & Gjoka (2025). In the present study, the analysis is specifically directed toward identifying river reaches and levee sections potentially exposed to overtopping under the 20-year return-period design hydrograph, as a first-stage screening tool for levee safety assessment and flood-risk management.

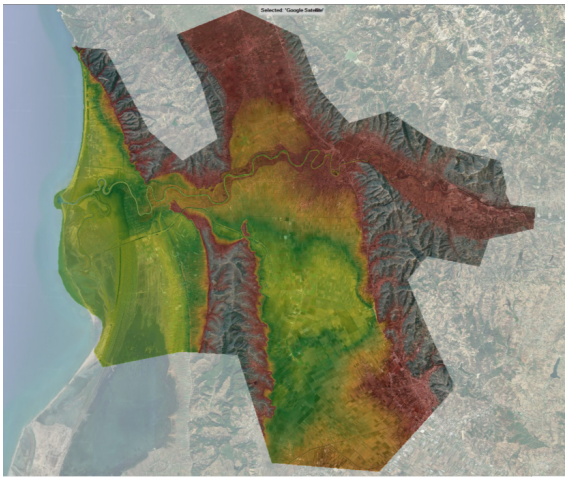

Figure 1: Overview of the Shkumbin floodplain

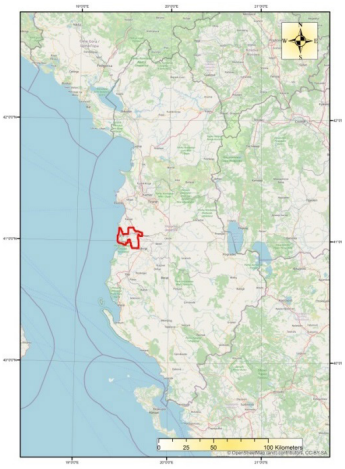

Figure 2: Location of the study area on the map of Albania

2.2 Hydrological Analysis

The design discharge was determined through flood frequency analysis by testing widely used statistical distributions, including Gumbel (EV1), Log-Pearson Type III, and GEV, and by evaluating goodness-of-fit and diagnostic indicators for model selection (Stedinger et al., 1993; World Meteorological Organization [WMO], 2009). Based on this comparative analysis, the Gumbel distribution was accepted as the best-fitting model for the annual maximum discharge series. Using this distribution, the discharge associated with the 20-year return period was estimated as 1380 m^3/s and used to construct the upstream design inflow hydrograph for the hydraulic simulation. This result is particularly relevant because the historical design of the levee system was based on the 20-year return period flood with an adopted discharge of 1600 m^3/s. The present reassessment, based on the available long-term annual maximum discharge series, indicates a lower estimate for the same return period. Accordingly, the updated 20-year return-period design hydrograph was used as the reference event for overtopping screening in the 2D hydraulic model. This event represents a moderate but hydraulically significant flood scenario, appropriate for identifying sections of the levee system where crest elevations may be insufficient relative to simulated water levels. The resulting hydrograph was applied as the upstream boundary condition in the 2D hydraulic model.

Table 1: Estimated flood quantiles for selected return periods with 95% confidence intervals

			Delta Method
T	q	X_T (MLE)	95% CI
100	0.99	**1780**	1480 - 2090
50	0.98	**1610**	1340 - 1870
20	0.95	**1380**	1160 - 1590

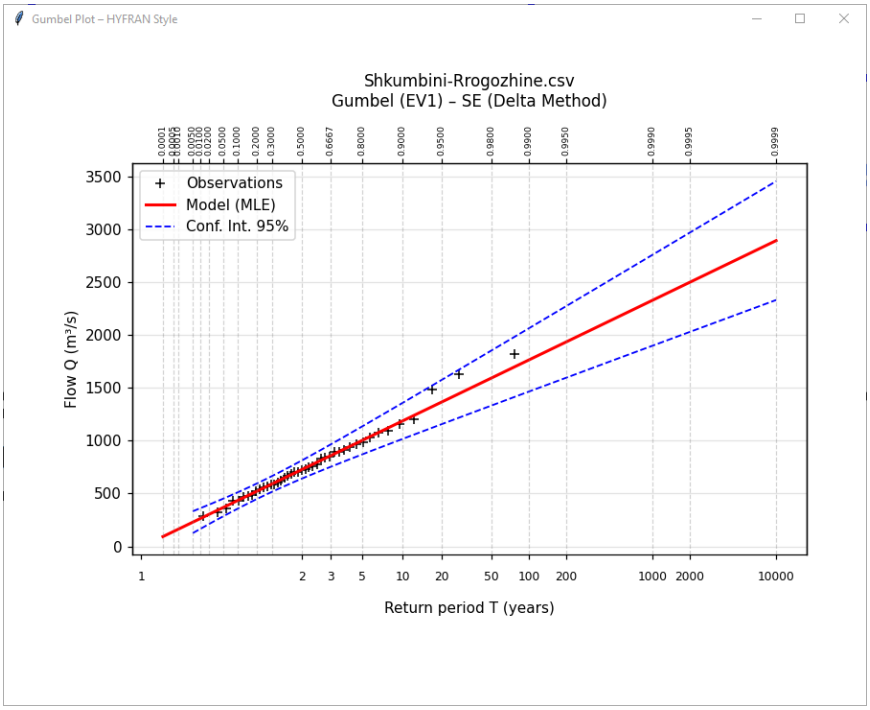

Figura 3: Fitted Gumbel distribution for the data series

2.3 Hydraulic Modelling

The hydraulic modelling was carried out in HEC-RAS 6.6 using a two-dimensional configuration, with a computational mesh adapted to the DEM resolution and the morphological complexity of the study area (Brunner, 2020). Manning's roughness coefficients were spatially distributed according to land cover in order to represent variations in flow resistance across the floodplain (Arcement & Schneider, 1989). Boundary conditions included the upstream design inflow hydrograph and an appropriate downstream boundary condition, such as normal depth or a stage–discharge relationship, depending on the characteristics of the river reach. Cell size was generally maintained within the range of 10–30 m over the floodplain, with local refinement near levees and other critical hydraulic features. The model was used to simulate flood propagation under the 20-year design event and to extract water-surface elevations along the levee system. These simulated levels were then compared with levee crest elevations in order to identify sections with limited freeboard or a potential for overtopping. The analysis was intended as a screening-level assessment, aimed at highlighting sectors that may require more detailed structural, geotechnical, or hydraulic investigation.

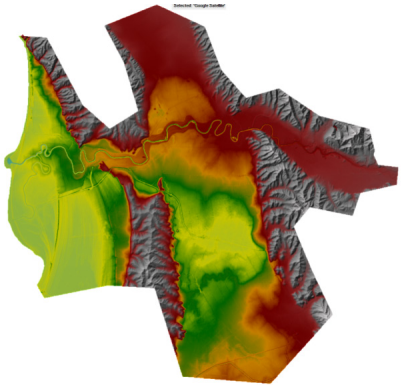

Figure 4: Digital Terrain Model (DTM)

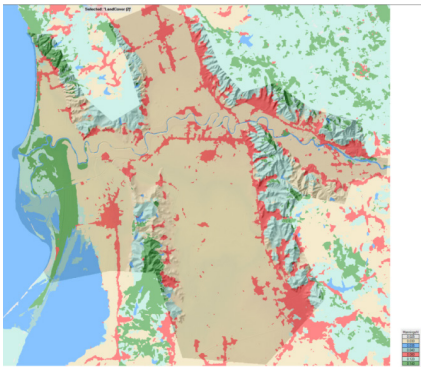

Figure 5: Land cover and associated Manning's roughness coefficients

2.4 Levee Safety Assessment Criterion

Levee safety was evaluated by comparing the water levels simulated by the hydraulic model with the levee crest elevations along the studied reaches. For each cross-section, the difference between the maximum simulated water level and the crest elevation was calculated as the available freeboard. Freeboard is considered a safety margin that accounts for uncertainties in hydrologic, hydraulic, and topographic estimates, as well as for local effects such as wave action and turbulence (Federal Emergency Management Agency [FEMA], 2018; U.S. Army Corps of Engineers [USACE], 1995, 2000). In this study, a screening-based overtopping assessment was applied to classify levee segments according to their susceptibility to overtopping. Reaches where the simulated water level approached or exceeded the crest elevation were identified as potentially critical sections. This procedure supports the identification of vulnerable points along the levee system and provides a practical basis for a preliminary evaluation of levee hydraulic performance under the design flood. The assessment is limited to overtopping susceptibility and does not include detailed geotechnical stability analyses or internal failure mechanisms (FEMA, 2018; USACE, 2000).

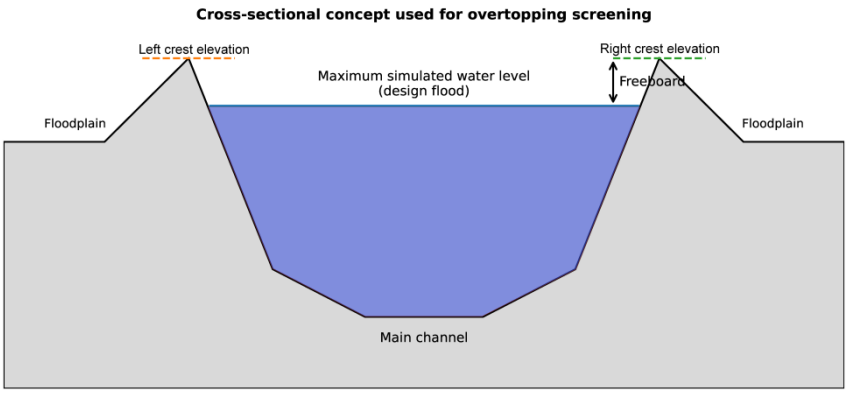

Figure 6: Cross-section concept used for overtopping screening

3. **Results**

The flood maps generated by the model show the inundation extent, flood depth, and the spatial distribution of water levels relative to the levee system for the Q20 design event. In general, the simulated flow remains confined within the embanked river corridor along most of the study reach. This indicates that, for the majority of levee sections, the river remains within the levees during the simulated event, and no widespread overbank flooding is observed. Localized exceedances are identified only at a limited number of sections. These locations are associated with relatively low crest elevations, discontinuities in levee continuity, or locally altered crest geometry. As a result, the simulated response is characterized by isolated overtopping-prone points rather than by continuous or generalized overtopping along the levee system. The results also identify a distinct relief/spill area on the right-bank side, where the levee is interrupted and hydraulically connected to a hillside high-flow channel and the floodplain drainage canal. In this area, the model indicates a potential diversion of flow outside the main channel during high-discharge conditions. This feature differs from the general behaviour observed along the rest of the reach, where the flow remains largely contained within the levees. This pattern is also illustrated by the water-surface profiles extracted along the selected lines shown in Figures 8–10, where the simulated water surface generally remains below the levee crest along most of each section, with only localized points where the margin is reduced and overtopping becomes more likely. The combined plan-view and profile representation therefore confirms that the hydraulic response of the system is dominated by overall containment within the levees, interrupted only by a small number of locally critical sections.

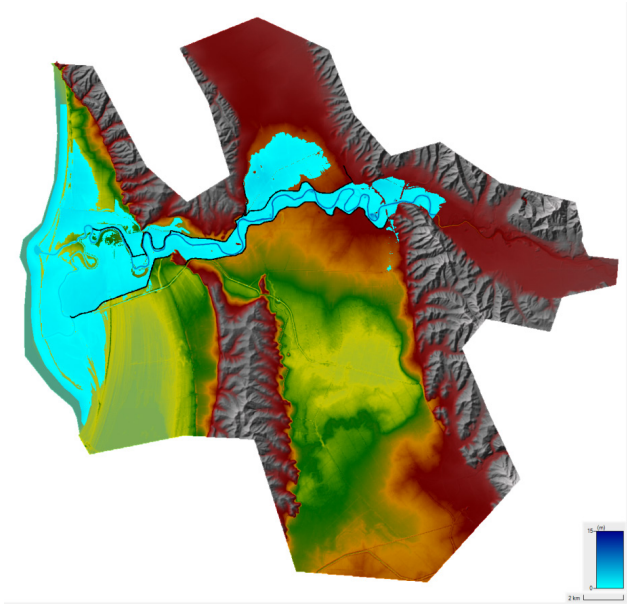

Figure 7: Map of flood extent

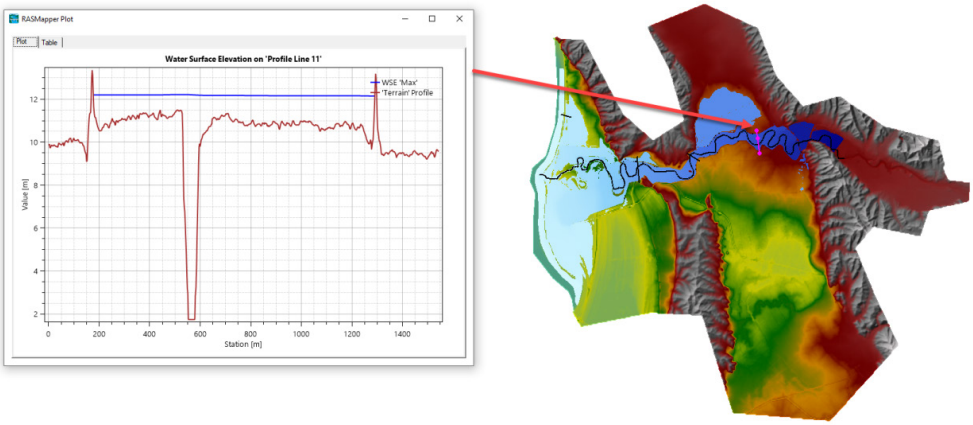

Figure 8: Cross-section 1

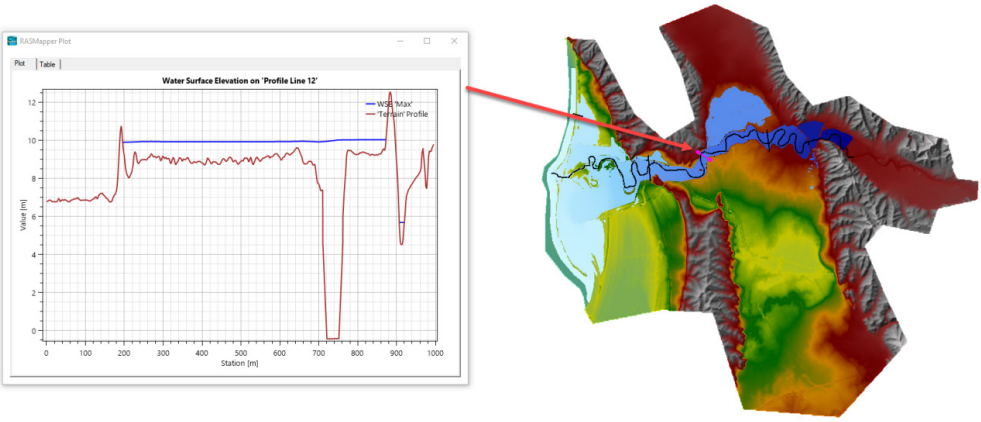

Figure 9: Cross-section 2

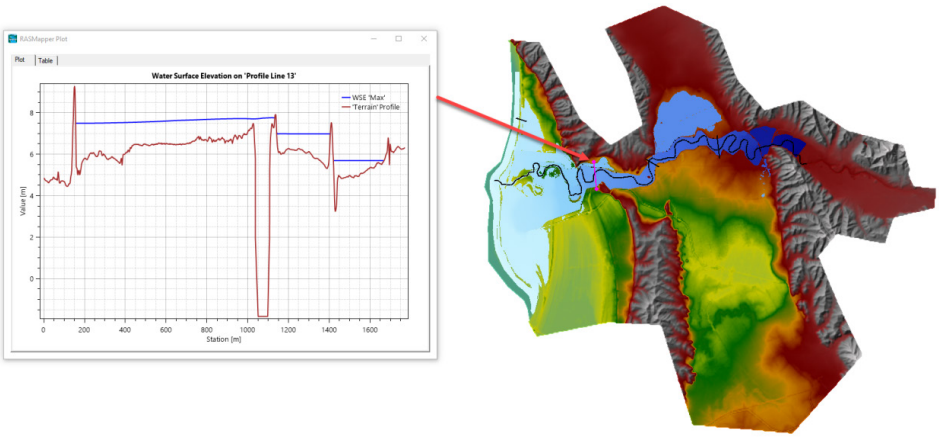

Figure 10: Cross-section 3

4. **Discussion**

The results indicate that overtopping of the levees is generally limited and localized, which can be attributed to a combination of methodological and hydrological factors. First, the reassessment of the design discharge using a longer hydrological record has produced a more stable estimate and, in this case, a more moderate design flow compared with historical assessments. This highlights the importance of periodically updating flood-frequency analyses, particularly in systems where decision-making has historically relied on limited observation records and where land-use conditions have changed over time (Stedinger et al., 1993; World Meteorological Organization [WMO], 2009). Second, the use of 2D hydraulic modelling provides a more realistic representation of flow distribution across the floodplain and its interaction with the levee system, reducing the simplifications inherent in one-dimensional approaches (Brunner, 2020). In addition, the use of a high-resolution Digital Elevation Model and the spatial parameterization of Manning's roughness based on land-cover data increase simulation reliability by better capturing terrain heterogeneity and flow resistance across vegetated areas, agricultural land, and more anthropogenic surfaces (Arcement & Schneider, 1989; Brunner, 2020). From a hydraulic safety perspective, the available freeboard is generally satisfactory, remaining on average above 1 m along most levee segments, which suggests a substantial buffer against modelling uncertainties and local effects (Federal Emergency Management Agency [FEMA], 2018; U.S. Army Corps of Engineers [USACE], 1995, 2000). Nevertheless, several locations emerge as more critical: (i) reaches where the crest was historically designed at insufficient elevation, reducing freeboard even under non-extreme water levels; and (ii) reaches where levee integrity has been compromised by local interventions, particularly where levees are used as access crossings to adjacent agricultural fields. Such interventions create localized crest depressions, weaken continuity of protection, and may act as "weak points" where overtopping can occur earlier than would be suggested by the average safety level along the levee. These findings should, however, be interpreted in light of the remaining hydrological and morphological uncertainties, as well as the potential ongoing evolution of the riverbed. In this sense, the assessment presented represents a snapshot of current hydraulic safety conditions and reinforces the need for monitoring, maintenance, and periodic reassessment of the flood-protection system, with particular focus on reaches with low crest elevations and on segments affected by damage or anthropogenic alterations (European Parliament & Council, 2007; FEMA, 2018; USACE, 2016).

5. **Conclusion**

Based on the hydrological analysis and the 2D hydraulic modelling performed for the Shkumbin River lowland, several key conclusions can be drawn regarding the current level of levee safety. First, reassessing the design discharge using a longer series of annual maximum flows provided a more stable estimate of Q20, indicating that historical estimates may change when longer records and contemporary methods are applied. This confirms the importance of periodically updating hydrological

analyses in flood-protection systems (Stedinger et al., 1993; World Meteorological Organization [WMO], 2009). Second, the 2D hydraulic simulations show that, along most reaches, the levees provide adequate protection against the Q20 design flood, with an average freeboard exceeding 1 m, suggesting a substantial overall safety margin (Federal Emergency Management Agency [FEMA], 2018; U.S. Army Corps of Engineers [USACE], 2000). Nevertheless, localized reaches of higher susceptibility were identified, particularly toward the downstream end of the right-bank levee and in areas where the crest was historically designed at a relatively low elevation or has been compromised by anthropogenic interventions (e.g., informal crossings). These locations create "weak points" that may govern the overall performance of the system during flood events (USACE, 2016). The results emphasize that levee safety depends not only on the original design, but also on maintenance, preservation of crest integrity, and control of uncontrolled interventions on the levee body. In this respect, periodic monitoring of crest elevations, regular maintenance, and restriction or management of informal crossings are recommended, in line with flood-risk management principles and levee safety program approaches (European Parliament & Council, 2007; USACE, 2016). Overall, the study demonstrates that combining updated hydrological analysis, high-resolution topography, and 2D hydraulic modelling provides an effective framework for reassessing the safety of existing flood-protection systems and can support decision-making in flood-risk management (Brunner, 2020; European Parliament & Council, 2007). Based on the findings, it is recommended that levee systems in the Shkumbin River lowland undergo periodic hydrological and hydraulic reassessments at multi-decadal intervals to reflect changes in hydrological records, channel morphology, and land use (European Parliament & Council, 2007; Stedinger et al., 1993). In reaches where potential overtopping or reduced freeboard was identified, localized crest raising and profile adjustment are advised to ensure an adequate safety margin for the design flood. In parallel, establishing a regular inspection and condition-assessment program is essential to detect early signs of local slope instability, waterside erosion, material degradation, or anthropogenic alterations. Early identification and timely remediation of such issues can significantly reduce the likelihood of failure during high-flow events and improve the long-term resilience of the flood-protection system (USACE, 2016).

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Juvenile Criminal Justice and the Lack of Rehabilitation Institutions in Albania: Legal Standards and Practical Challenges

PhD (C.) Xharije Nela
University of Aleksandër Moisiu Durrës

Abstract

This study examines the lack of specialized rehabilitation institutions for juveniles in conflict with the law in Albania, in light of both national legislation and international legal standards. At the domestic level, the Kodi i Drejtësisë Penale për të Mitur establishes rehabilitation and social reintegration as the fundamental objectives of juvenile justice, emphasizing that deprivation of liberty must be applied only as a measure of last resort and for the shortest appropriate period of time.
These principles are consistent with the Convention on the Rights of the Child and the standards adopted by the United Nations, including the Beijing Rules and the Havana Rules, which require States to develop child-centered justice systems focused on education, psychological support, and effective social reintegration.
Despite the existence of a progressive legal framework, a significant gap persists between normative provisions and institutional implementation in Albania. The absence of dedicated multidisciplinary rehabilitation institutions, particularly at the local level, undermines reintegration policies and increases the risk of recidivism. Rehabilitation remains largely declarative rather than structurally guaranteed.
The study concludes that effective juvenile justice reform requires concrete institutional investment, specialized personnel, and sustainable post-release reintegration mechanisms. Without such structural guarantees, the juvenile justice system risks failing to fulfill its essential purpose: transforming conflict with the law into a genuine opportunity for social reintegration and responsible citizenship.

Keywords: juvenile justice; rehabilitation; social reintegration; institutional gap; best interests of the child; international standards; recidivism; alternative measures.

Introduction

Juvenile criminal justice is one of the most delicate and multifaceted areas of the legal system, as it addresses individuals undergoing diverse stages of psychological, social, and emotional development. Unlike adults, minors require a distinct approach because they are not only potential offenders but also individuals with significant potential for rehabilitation and social reintegration. This perspective is consistent with international norms on children's rights, particularly the Convention on the Rights of the Child (United Nations, 1989) and the standards articulated in the Beijing Rules (United Nations, 1985) and Havana Rules (United Nations, 1990). These instruments obligate states to create justice systems centered on the child, emphasizing education, psychological support, and measures that promote reintegration into society.
In Albania, these principles have been codified through Law No. 37/2017, known

as the Criminal Justice Code for Minors. The Code prioritizes the best interests of the child (Article 3) and stresses proportionality in responding to juvenile offenses (Republic of Albania, 2017). It stipulates that deprivation of liberty should be applied solely as a measure of last resort and only for the minimum duration necessary. Furthermore, the law calls for individualized responses, taking into account each minor's age, psychological development, and social environment.

Despite this advanced legal framework, practical implementation in Albania reveals substantial institutional shortcomings. The absence of specialized rehabilitation and re-education facilities raises questions about the system's effectiveness and its compliance with both national and international standards (Nela, 2026). The current institution in Kavajë largely operates as a detention center rather than a rehabilitative facility, focusing on confinement rather than educational and corrective interventions. This practice contradicts the Code's provisions for rehabilitative treatment and exposes minors to an elevated risk of further criminal behavior and psychological harm (ALTRI Center, 2021).

Pretrial detention presents additional concerns, as minors are frequently held without guaranteed separation from adult detainees. This practice conflicts with international standards, which assert that detention should be a last resort and strictly time-limited (Committee on the Rights of the Child [CRC], 2013). Exposure to adult inmates increases the likelihood of continued delinquency and undermines rehabilitative efforts. The Convention on the Rights of the Child (Article 37) mandates that children deprived of liberty be treated in a manner that safeguards their dignity and facilitates reintegration into society (United Nations, 1989). Similarly, the Beijing and Havana Rules require placement in specialized facilities, separated from adults, with mandatory educational and rehabilitative programs (United Nations, 1985; United Nations, 1990).

Other challenges involve limited access to education, healthcare, and social interaction. Reports from the Committee for the Prevention of Torture (CPT, 2020) indicate instances where minors are held in police stations for over 24 hours without adequate sanitary facilities, medical care, or educational and recreational opportunities. The lack of trained personnel to provide psychological and social support further hinders the realization of rehabilitation objectives.

These shortcomings carry both legal and social consequences. Without dedicated rehabilitation structures, minors face a higher risk of recidivism, and opportunities for social reintegration remain restricted. Inadequate access to education and vocational training obstructs their inclusion in the workforce, creating a disconnect between the law's intentions and its real-world impact. Consequently, the absence of re-education institutions is not merely an administrative issue but a fundamental legal and societal problem that undermines the principle of the child's best interests and increases the likelihood of reoffending (Nela, 2026).

Against this backdrop, this study aims to assess the institutional gaps in Albania's juvenile justice system and their effects on its effectiveness. It evaluates Albanian legislation alongside international standards, identifies practical challenges, and proposes recommendations to strengthen rehabilitative infrastructure, ensure full separation of minors from adults, develop educational and social support programs, and establish sustainable post-sentence reintegration mechanisms. Only through an integrated approach that links law with concrete implementation can the primary

objective of juvenile justice be realized: transforming minors in conflict with the law into responsible, socially engaged citizens.

Development

The Albanian legal framework for juvenile criminal justice is broadly aligned with international standards. Beyond the *Criminal Justice Code for Minors* (Law No. 37/2017), relevant provisions are found in the *Penal Code* and the *Criminal Procedure Code*, which establish specific rules regarding the criminal responsibility of minors and the procedures applicable to them. Additionally, legislation governing probation services and the protection of children's rights contributes to the development of a system designed to avoid unnecessary incarceration and promote rehabilitative alternatives (Republic of Albania, 2017; United Nations, 1989).

The *Criminal Justice Code for Minors* provides for alternative measures such as diversion, mediation, and probation supervision, aiming to prevent the unnecessary inclusion of minors in the formal penal system. The principle of individualization requires that each measure be adapted to the specific needs of the minor, considering age, psychological development, and social circumstances (Nela, 2026). These provisions reflect a progressive vision that prioritizes rehabilitation over punishment and aligns with the best interests of the child (CRC, 2013).

Despite these legislative advancements, these principles remain largely formal due to the lack of appropriate infrastructure. In practice, Albania does not possess a comprehensive network of rehabilitative institutions for minors. The existing facility in Kavajë primarily functions as a detention center rather than a true re-education institution, which directly contradicts the provisions of the Code that mandate educational and rehabilitative treatment. This institutional gap prevents the realization of the legal objectives of juvenile justice and compromises the system's capacity to rehabilitate minors effectively (ALTRI Center, 2021).

Pretrial detention presents another serious concern. In practice, minors may remain in conditions that do not guarantee complete separation from adult detainees. This situation violates international standards and creates a real risk of negative criminal and psychological influence. Contact with adult prisoners or detainees increases the probability of further deviant behavior and undermines any effort toward rehabilitation (CPT, 2020).

International standards are unequivocal in this regard. The *Convention on the Rights of the Child* (Articles 37 and 40) requires that every child deprived of liberty be treated in a manner that promotes dignity and social reintegration (United Nations, 1989). The *Beijing Rules* and the *Havana Rules* impose an obligation to place minors in specialized institutions, separated from adults, with mandatory educational and rehabilitative programs (United Nations, 1985; United Nations, 1990). Furthermore, the European Court of Human Rights has reinforced these standards. In *Bouamar v. Belgium*, the Court emphasized that the detention of a minor is lawful only if conducted in a suitable educational facility. In *D.G. v. Ireland*, it was noted that the lack of specialized institutions does not justify placing minors in inappropriate conditions. Similarly, in *Blokhin v. Russia*, the Court found violations due to the absence of rehabilitative

treatment and procedural safeguards (ECtHR, 2000; 2002; 2004).
Comparative analysis with other European countries further highlights the gap in Albania. In countries such as Germany and Norway, juvenile justice systems are structured around decentralized rehabilitation institutions and community-based programs, where incarceration is rare and applied only as a last resort. In these systems, minors receive education, psychological support, and vocational training, which significantly reduces recidivism (Schünemann, 2015; Foucault, 2019). These practices demonstrate the importance of developing specialized rehabilitation facilities to provide minors with a structured, supportive environment that fosters reintegration into society.
In Albania, the absence of such mechanisms has direct consequences. Rehabilitation remains limited, and social reintegration is weak. An additional obstacle is the requirement of a criminal record for employment purposes. For minors who have been in conflict with the law, this constitutes a real barrier to entering the labor market, creating a contradiction between the legal objectives of the Code and its practical effects (Nela, 2026).
Therefore, the lack of rehabilitation institutions is not merely an organizational problem but a fundamental legal and social issue. It directly undermines the principle of the best interests of the child and increases the risk of recidivism, transforming the penal system from a mechanism of rehabilitation into a cycle of repeated punishment. The Albanian experience clearly demonstrates the urgent need to establish dedicated, multidisciplinary rehabilitation institutions that can implement the rehabilitative principles enshrined in national and international law. Without such structural guarantees, the objectives of juvenile criminal justice will remain largely aspirational rather than achievable.
Rehabilitation plays a central role in juvenile justice, as it aims to transform the behavior of minors in conflict with the law and facilitate their reintegration into society. Beyond mere punishment, rehabilitative measures seek to provide psychological support, social guidance, and educational opportunities tailored to the individual needs of each minor. This approach aligns with the principles established in the Albanian Code of Criminal Justice for Minors and international standards, emphasizing that deprivation of liberty should only be a measure of last resort and applied for the shortest possible time. The Ombudsman of Albania (Avokati i Popullit) has repeatedly highlighted the necessity of ensuring that minors have access to comprehensive rehabilitative programs, including counseling, vocational training, and social reintegration initiatives, while also guaranteeing procedural rights and the presence of legal assistance throughout all stages of the justice process. Such recommendations underscore the importance of a holistic approach that not only addresses the immediate legal consequences but also fosters long-term behavioral change, personal development, and the protection of the best interests of the child.

Conclusions and Recommendations

The analysis demonstrates that Albania has developed an advanced legal framework for juvenile justice, broadly aligned with international standards. However, the

absence of specialized rehabilitation institutions significantly limits the practical effectiveness of this framework. Without functional centers for re-education and reintegration, the system risks failing to achieve its central goal: rehabilitating minors and preparing them for responsible social participation (Republic of Albania, 2017; UN, 1989).

It is imperative that the state invests in dedicated rehabilitation institutions for juveniles, with programs tailored to their age, psychological development, and social needs. These centers should operate under a multidisciplinary approach, combining psychological counseling, social work, education, and vocational training. Staff must be specially trained to address the vulnerabilities of young offenders and ensure that rehabilitative measures are individualized, consistent, and effective (CRCA/ECPAT Albania, 2020; UN, 1985).

Complete separation of minors from adult detainees must be guaranteed at every stage of the criminal process, particularly during pre-trial detention, to prevent negative influences, reduce recidivism, and uphold the dignity of the child, in accordance with international standards including the Convention on the Rights of the Child and the Beijing and Havana Rules (Committee on the Rights of the Child, 2013; UN, 1990).

Post-release reintegration programs should be strengthened to provide continuous educational support, vocational training, and social inclusion opportunities. Critically, the requirement of presenting a criminal record for juveniles should be reviewed and removed where it creates barriers to education and employment. Maintaining such a requirement discourages efforts toward learning and professional development, undermining social reintegration and contradicting the rehabilitative purpose of juvenile justice. Eliminating this obstacle will allow minors to reintegrate into society effectively and reduce the risk of reoffending (Nela, 2026; Avokati i Popullit, 2022).

In conclusion, juvenile justice in Albania can fulfill its rehabilitative mandate only through functional institutions, specialized personnel, comprehensive education and reintegration programs, and the removal of legal barriers such as penal record requirements. A holistic approach linking legislation with concrete implementation mechanisms is essential to transform minors in conflict with the law into responsible, socially active citizens.

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The Language of Tourism: Communication, Persuasion, and the Linguistic Construction of the Tourist Experience

Ervin Hoxhaj

Abstract

Tourism is, at its core, an act of communication — a mediated encounter between the familiar self and the foreign other. This paper traces the evolution of leisure travel from its ancient origins through the ethnocentric attitudes of pre-Enlightenment Europe, the aristocratic Grand Tour, and the democratisation of travel inaugurated by Thomas Cook, arguing that each historical phase gave rise to distinct imperatives in promotional discourse. Drawing on the sociolinguistic framework of Dann (1996) and the specialised-discourse analyses of Gotti (2006), Calvi and Mapelli (2011), and Cappelli (2006), the paper identifies the linguistic strategies — deixis, nominalisation, impersonality, evaluative adjectives, metaphor, and verb-tense manipulation — through which tourism promotional materials convert readers into tourists. A qualitative thematic content analysis of English-language promotional texts from Albania's official tourism platforms (albania.al; akt.gov.al) grounds the theoretical framework in empirical observation. Three promotional perspectives (differentiation, authentication, and recreation) are shown to operate through three discursive dimensions: time, magic, and euphoria. The temporal dimension suspends ordinary clock-time; the magical dimension fabricates an enchanted alternative to daily routine; and the euphoric dimension saturates descriptions with superlatives and hyperbole. The study extends classical frameworks into the digital era by engaging recent scholarship on multimodal tourism communication and electronic word-of-mouth, demonstrating that the foundational persuasive mechanisms Dann identified remain operative — and intensified — in online promotional environments.

Keywords: *tourism discourse, destination image, sociolinguistics, euphoria.*

1. Introduction

Tourism begins with communication. Before a traveller sets foot on foreign ground, a complex web of textual and visual messages has already shaped the encounter — framing expectations, constructing desire, and mediating the psychological distance between the known and the unknown. As Giacomarra (2005) observes, every actor in the tourism industry must reckon with a constitutive tension: the relationship with the *other*. This relationship is not incidental to tourism; it is its defining feature. The tourist product, unlike a refrigerator or a pair of shoes, cannot be inspected before purchase. It exists, in the moment of decision, only as language and image.

The Western encounter with cultural otherness has a long and troubled genealogy. Ancient Greeks branded northern peoples "barbaroi" — stammerers whose speech was unintelligible — while successive European civilisations labelled outsiders as pagans, infidels, or savages (Giacomarra, 2005). For centuries, the dominant posture toward the foreign was what anthropologists term ethnocentric rejection: an unreflective exaltation of one's own customs, religion, and social organisation at the expense of those who were merely different. This ideological stance, rooted

in ignorance and reinforced by the evolutionary anthropology of Tylor and his contemporaries, persisted well into the early modern period.

The Enlightenment marked a decisive turn. In Montesquieu's *Lettres persanes*, Voltaire's *Candide*, and Rousseau's figure of the "natural man," European intellectuals began to mount a counter-narrative — one that, however imperfect, revalued the foreign as a source of insight rather than menace (Giacomarra, 2005). The Grand Tour, which sent young aristocrats across the continent to absorb the artistic and intellectual riches of Italy, France, and the classical world, institutionalized this curiosity. Houel and Goethe, among the best-known grand tourists, left travelogues that oscillate between awe and residual ethnocentrism, yet are animated above all by a spirit of adventure and sympathetic observation.

Modern mass tourism, born when Thomas Cook organized his first excursion in 1841 and later consolidated by the expansion of railways and commercial aviation, theoretically inherits the Enlightenment's emancipatory promise. In practice, the encounter with otherness is no longer left to chance or personal initiative; it is orchestrated by an industry whose principal instrument is language. Tourism promotion — brochures, advertisements, websites, guidebooks — must accomplish a delicate act of persuasion: it must make the unfamiliar attractive without making it threatening, and it must convert a vague desire for escape into a concrete purchase decision. This paper investigates the linguistic apparatus through which that conversion is achieved, applying it empirically to the case of Albanian tourism promotion.

The analysis proceeds in five stages. The first section reviews the historical trajectory of leisure travel, showing how shifting motivations have progressively complicated the demands placed on promotional discourse. The second consolidates the theoretical and linguistic framework, identifying the morphological, syntactic, and rhetorical features that characterize the language of tourism. A third section describes the methodology: a qualitative thematic content analysis of English-language texts drawn from Albania's official tourism platforms. The fourth presents findings, demonstrating how Albanian promotional discourse instantiates the dimensions of time, magic, and euphoria. The final section reflects on implications for tourism marketing, sociolinguistics, and digital-era promotional practice.

2. Historical Trajectories of Leisure Travel: A Literature Review

Understanding the language of contemporary tourism promotion requires a preliminary grasp of the historical conditions under which leisure travel evolved, since each era's motivations for travel have left sedimentary traces in the promotional conventions that followed.

The earliest recorded instances of pleasure travel date to approximately 1500 BCE, when affluent Egyptians journeyed to the pyramids out of curiosity or recreation (Casson, 1994). In ancient Greece and Rome, privileged classes retreated to seaside villas and mountain estates during the summer months, and the expansion of Rome's road network — captured in the proverbial claim that all roads lead to Rome — facilitated movement for leisure purposes. Greek and Roman elites also travelled to

attend spectacles: the games at Olympia, the performances at the Colosseum, or the cultural attractions of Sicily, Rhodes, Troy, and Egypt (Casson, 1994).

The medieval period redirected the impulse toward travel into religious channels. Pilgrimage became a widespread practice among wealthy Europeans, sustained by the belief that physical hardship on the road could purify the soul. This era bequeathed to tourism discourse a vocabulary of transformation and self-improvement that persists, secularized, in contemporary promotional materials. The seventeenth and eighteenth centuries saw the rise of the Grand Tour, a semi-formalized rite of passage for young men of the aristocracy and upper bourgeoisie. Encouraged by their families, these travelers spent months or years crossing Europe, visiting major cultural centers to broaden their learning and consolidate their social status (Kanning, 2016). Italy, with its classical ruins and Renaissance art, was the most coveted destination. The Grand Tour produced a rich literature of travelogues and personal correspondence, establishing the idea that travel is an instrument of self-cultivation — a notion that cultural tourism has revived since the 1990s. As Giacomarra (2005) notes, the World Tourism Organisation (UNWTO) defines cultural tourism as travel motivated, wholly or in part, by interest in the history, art, science, traditions, and lifestyles of a people or region.

The Grand Tour's exclusivity was shattered in 1841, when Thomas Cook organized a railway excursion from Leicester to Loughborough and, in doing so, invented the modern package tour. Cook's innovation — bundling transport, accommodation, and activities into a single purchasable product — democratized travel and laid the groundwork for the contemporary tourism industry (Giacomarra, 2005). The mid-nineteenth-century railway boom and the twentieth-century rise of commercial aviation completed the transformation: tourism became a mass phenomenon accessible to the middle classes of Europe and North America (Harrison & Sharpley, 2017; Naumov & Green, 2016).

Scholars have likened tourism to a form of "secular pilgrimage," casting tourists as modern pilgrims who seek authenticity among cultures and places other than their own (Dann, 1996). The motivations that drive this search — curiosity, escape from routine, relaxation, spiritual enrichment, social prestige — remain central concerns of the tourism industry and, by extension, of the promotional language it deploys.

2.1 The Digital Turn in Tourism Discourse

The frameworks that Dann (1996) and Cappelli (2006) developed for print-era brochures have not been superseded by the digital revolution; they have been amplified and refracted through new channels. Mele et al. (2021) demonstrate, through automated linguistic analysis (LIWC) of Instagram posts by national tourism organisations, that digital promotional texts deploy the same evaluative intensity and affective saturation that Dann catalogued in paper brochures — but compress them into shorter, more visually integrated formats. Their cross-cultural comparison reveals that promotional register varies systematically by national context, confirming that the culturally predicated persuasion Dann described operates at the level of institutional digital communication.

The rise of travel influencers has introduced a new layer of promotional discourse.

Femenia-Serra et al. (2022), in a netnographic study of Instagram travel influencers during the COVID-19 quarantine, show that influencer communicative practices adapted classical tourism-language strategies — nostalgia, escapism, aspirational imagery — to sustain audience engagement even in the absence of actual travel. The temporal dimension that Dann attributed to tourism promotion (the invocation of an idealised past, the promise of a different future) proved remarkably portable to the constraints of pandemic lockdown.

Mattei (2024) extends the analysis to multimodal communication, comparing how destination management organisations construct visual messages differently across Instagram and websites. The finding that channel-specific semiotic strategies coexist within a single promotional ecology suggests that the textual dimensions of time, magic, and euphoria are realised not only through language but through the interplay of language, image, and platform affordances. Bi et al. (2024), in a systematic review of text-analysis research published in the five leading tourism journals between 2013 and 2023, confirm a rapid expansion of linguistic and computational approaches to tourism discourse, noting that sentiment analysis and language-based consumer-behaviour research have become dominant methodological currents. D'Acunto et al. (2023) sharpen the focus on electronic word-of-mouth (e-WOM), demonstrating through LIWC analysis of 45,000 TripAdvisor reviews that linguistically framed evaluations influence consumer perceptions in ways that mirror the persuasive logic of institutional promotional texts.

These studies collectively confirm that Dann's (1996) foundational taxonomy — differentiation, authentication, recreation; time, magic, euphoria — remains analytically productive in the digital era, while requiring supplementation by attention to channel-specific affordances and user-generated content. The present study occupies the intersection of classical discourse analysis and this emerging digital scholarship, applying Dann's framework to institutional online texts from Albania's official tourism platforms.

3. The Language of Tourism Promotion: Theoretical Framework

Turning a potential tourist into an actual one is, in essence, a problem of persuasion. The tourism industry addresses this problem through a battery of communication strategies — advertising, sales promotion, direct marketing, public relations, sponsorship — all designed to generate in the mind of the prospective traveller a compelling mental representation of the destination (Francesconi, 2007; McCartney et al., 2008). That mental representation is what tourism studies call the *destination image* (Gartner, 2016).

3.1 The Psychological Architecture of Destination Imagery

Destination images are constructed through verbal, visual, and auditory elements that remind consumers — consciously or otherwise — of needs waiting to be satisfied. Dann (1996) distinguishes between "push" factors (internal dissatisfactions that make a person want to leave) and "pull" factors (attributes of the destination that attract). Promotional language operates at the intersection of both: it names the malaise

(routine, stress, monotony) and offers the cure (escape, adventure, authenticity). Morgan and Pritchard (1998) emphasise that this process is far from spontaneous; the tourist gaze is actively shaped by professional image creators and brochure writers. Image creation, they argue, is more fundamental to tourism than to virtually any other consumer product, because the promotion and the image it produces *are* the product — at least until the moment of consumption.

3.2 Linguistic Peculiarities of Tourism Discourse

Although tourism language is characterized by marked variability — spanning guidebooks, brochures, websites, and audiovisual materials — a set of recurrent morphosyntactic features has been identified across multiple studies (Calvi et al., 2009; Gotti, 2006; Dann, 1996).

- **Impersonality and objectivity.** Tourism promotional texts make heavy use of impersonal constructions. The third-person singular predominates; direct reference to the interlocutor is often suppressed; and guidebooks, in particular, adopt a tone of universal validity for the judgements they advance (Calvi & Mapelli, 2011). This studied impersonality lends the text an air of authoritative neutrality, as though the descriptions it offers were objective facts rather than carefully crafted inducements.
- **Nominalisation and lexical density.** Like other specialised discourses, tourism language favours nominal over verbal constructions. The effect is twofold: it compresses information into dense noun phrases, and it produces a higher lexical density than standard language (Spina, 2001; Gotti, 1991). Conciseness — a hallmark of the tourist text — is served by this preference, whether the text addresses a professional community or a general readership.
- **Deixis.** Deictic markers operate on three levels in tourism materials (Calvi & Mapelli, 2011). Personal deixis surfaces in promotional copy that uses second-person pronouns and imperatives to interpellate the reader directly. Temporal deixis marks the rhythm of the itinerary through dates, times, and scheduling markers. Spatial deixis anchors the text in geographical coordinates, orienting the traveller within the physical territory of the destination (Nigro, 2006).
- **Evaluative adjectives and hyperbole.** A rich and complex adjectival system serves a triple function: precise description of a place, enhancement of its attractiveness, and reinforcement of the idea of exclusivity. Adjectives such as *wonderful, exceptional,* and *unique* achieve a positive emotional effect, while terms like *genuine, historical, authentic,* and *natural* confirm the legitimacy of the experience (Calvi et al., 2009). Superlatives and hyperbole pervade the register; the language admits only enthusiasm, never ambivalence (Dann, 1996).
- **Metaphor, simile, and binary structures.** Contrastive figurative devices emphasise the gap between the unknown and the familiar. Binary oppositions — West and East, near and far, routine and adventure — recur as organising tropes (Dann, 1996).
- **Verb tense.** The dominant tense is the present indicative, which conveys an impression of timelessness — as though the destination and its pleasures exist in an eternal now. The past tense appears in historical descriptions, invoking nostalgia and lending cultural authority. The future projects the reader toward

a desirable experience yet to come, heightening dissatisfaction with the present and converting that dissatisfaction into motivation (Dann, 1996).

- **Foreign words and culturally specific lexis.** The strategic insertion of terms from the target culture — place names, culinary vocabulary, architectural terminology — lends the text an aura of authenticity and exoticism, signalling that the destination is irreducibly other and therefore worth visiting (Dann, 1996; Gotti, 2006).

3.3 Three Perspectives: Differentiation, Authentication, and Recreation

Dann (1996) identifies three broad perspectives through which tourism promotional language organises its appeal. The first — *differentiation* — deploys a vocabulary of novelty and strangeness (*primitive, exotic, remote, timeless, colourful*) to strike a balance between foreignness and familiarity (Rokowski, 2006). The target audience's tolerance for the unfamiliar determines where that balance is set. The second perspective — *authentication* — addresses the tourist's desire for genuine experience. Taylor (2001) argues that perceived authenticity generates positive value in tourism products, and Rokowski (2006) insists that it should occupy a central place in promotional strategy. The third perspective — *recreation* — foregrounds play, relaxation, and pleasure, selling the idea of an oasis removed from the pressures of daily life (Dann, 1996; Rokowski, 2006). The interplay of these three registers allows promotional texts to calibrate their appeal with considerable precision.

3.4 Three Dimensions: Time, Magic, and Euphoria

The perspectives outlined above are realized in practice through three overlapping discursive dimensions.

- ***Time.*** Tourism is a spatial-temporal product: the traveller purchases not only a destination but a duration. Promotional language devotes considerable energy to constructing the time of the holiday as qualitatively different from the time of everyday life. Several temporal strategies are in play: the invocation of the past (slow rhythms, organic simplicity, authenticity) as an antidote to contemporary materialism; what Dann (1996) calls "time denial," in which the holidaymaker is promised freedom from schedules; and outright temporal suspension, in which the destination is presented as a place where clocks cease to matter.
- ***Magic.*** Temporal manipulation enables what Cappelli (2006) terms the "magic" of tourism discourse. Copywriters fabricate an enchanted space through specific lexical choices, juxtapositions of image and text, and shifts in verb tense that mark the boundary between the mundane and the marvellous. The imperative mood is particularly potent: verbs such as *escape, forget, discover,* and *transform* cast the reader as the protagonist of a spell (Cappelli, 2006).
- ***Euphoria.*** If magic creates the illusion of an alternative world, euphoria saturates that world with positive affect. The persuasive function of tourism language is empathic, evaluative, and relentlessly affirmative, generating images of pleasure, excitement, and happiness (Cappelli, 2006; Dann, 1996; Gotti, 2006). Euphoria is achieved above all through exaggeration — superlative forms, emphatic modifiers, and the systematic exclusion of any vocabulary of disappointment (Gotti, 2006; Pierini, 2009).

3.5 Textual Functions: Operative, Informative, Expressive

Drawing on Reiss's (1989) textual typology, several scholars classify tourism promotional material as an operational or persuasive text whose dominant function is to stimulate behavioural responses (Sanning, 2010; Snell-Hornby, 1999). Snell-Hornby (1999) notes that the operational function does not operate alone: tourism texts also convey substantive information and employ expressive figurative devices — metaphors, puns, alliteration — to communicate ideas creatively. Valdeón (2009) sharpens the point by observing that the persuasive force of tourism materials arises from a fusion of informational content with what Halliday (2004) calls "adjectival attitudinal" language — evaluative phrasing that gives descriptive texts their rhetorical edge.

The strategic alternation among the three dimensions — time, magic, euphoria — produces the seductive destination images on which the tourism industry depends. As Gold and Gold (1994) observe, these are the micro-rhetorical devices by which promotional language captures people's emotions and sells them back to them.

Table 1. The Linguistic Framework of Tourism Promotion

Promotional Perspective	**Discursive Dimension**	**Primary Linguistic Devices**	**Function / Effect on Tourist**
Differentiation	Time	Present indicative (eternal now); past tense (nostalgia, authority); future tense (aspiration); temporal adverbs (timeless, ancient, forever); time-denial constructions	Suspends ordinary clock-time; positions the destination as temporally other; generates dissatisfaction with the present and longing for an alternative temporal experience
Authentication	Magic	Imperative mood (escape, discover, forget); lexical fields of enchantment (paradise, spell, dream); juxtaposition of mundane vs. marvellous imagery; metaphor and simile; binary structures (familiar–exotic); foreign words and cultural lexis	Fabricates an enchanted alternative to daily routine; casts the reader as protagonist of a transformative spell; bridges the gap between known and unknown

Recreation	Euphoria	Superlative forms (the finest, the most); emphatic modifiers (entirely pristine, truly unforgettable); evaluative adjectives (wonderful, exceptional, unique); hyperbole; absence of negative or ambivalent vocabulary; nominalisation (lexical density)	Saturates the destination image with positive affect; makes the product appear irresistible; reinforces exclusivity; creates emotional urgency to purchase
All three (integrated)	All three (alternating)	Personal deixis (you, your; participatory we); spatial deixis (here, this place); impersonal constructions (third-person objectivity); ego-targeting techniques; rhetorical questions; modal verbs of obligation	Produces a persuasive ecology in which the decision to travel feels inevitable rather than commercial; addresses culturally predicated needs; converts reader into tourist

Note. Adapted from Dann (1996), Cappelli (2006), Gotti (2006), Calvi and Mapelli (2011), and Pierini (2009).

4. Methodology: Qualitative Thematic Content Analysis

This study employs a qualitative thematic content analysis to examine how the theoretical dimensions identified in the preceding framework, namely, time, magic, and euphoria, which manifest in actual promotional practice. The empirical corpus consists of English-language promotional texts published on Albania's two principal official tourism platforms: the National Tourism Agency portal (albania.al) and the Agjencia Kombëtare e Turizmit website (akt.gov.al). These platforms were selected because they represent the Albanian state's primary instruments for international tourism promotion and because their English-language content targets precisely the foreign readership that Dann's (1996) framework describes.

The corpus was assembled through purposive sampling of destination-specific pages covering four categories of Albanian tourism: (a) the Albanian Alps, including Valbona and Theth; (b) Butrint, a UNESCO World Heritage archaeological site; (c) the Albanian Riviera and Ionian Coast; and (d) the UNESCO-listed cities of Berat and Gjirokastra. These categories were chosen to represent the range of promotional registers in Albanian tourism discourse — from nature and adventure to heritage, coastal leisure, and urban-cultural tourism.

Texts were manually coded according to a deductive coding scheme derived from Dann's (1996) three discursive dimensions (time, magic, euphoria) and the linguistic device categories catalogued by Calvi and Mapelli (2011), Gotti (2006), and Cappelli (2006): personal, temporal, and spatial deixis; nominalization; evaluative adjectives and superlatives; imperative constructions; metaphor and simile; verb-tense distribution; and the use of foreign or culturally specific lexis. Each textual excerpt was assigned to one or more dimensions based on the dominant linguistic strategy it instantiates.

The analysis is qualitative and interpretive rather than quantitative. It aims not to count frequencies of occurrence but to demonstrate how specific linguistic devices operationalise the theoretical dimensions in a concrete, under-studied promotional context. Albania represents a particularly instructive case because it is a relatively recent entrant to international tourism markets, and its promotional apparatus must simultaneously construct a destination image from limited brand recognition and overcome residual associations with political isolation, tasks that place exceptional demands on the persuasive resources of language.

5. Findings and Discussion

The analysis of Albanian tourism promotional texts reveals a systematic deployment of Dann's (1996) three discursive dimensions across all four destination categories. The following subsections present representative textual examples and subject them to close linguistic scrutiny.

5.1 The Temporal Dimension: Suspending the Clock

Albanian promotional discourse makes extensive use of temporal manipulation. The official page for the city of Berat on albania.al describes the destination as "this 2,413 years-old city, the pride of Albanian architecture" (albania.al, n.d.-a). The compound pre-modifier "2,413 years-old" compresses over two millennia of continuous habitation into a single adjectival phrase, producing what might be called *temporal density* — the rhetorical impression that an entire civilisational arc is available for immediate consumption. The present-tense verb "is" reinforces Dann's (1996) observation that the indicative present endows tourist destinations with an aura of timelessness, as though the city has always been precisely this and will always remain so.

The akt.gov.al page for Butrint sharpens this strategy: "At the heart of the park lies the ancient city of Butrint, a microcosm of Mediterranean history, where Greek, Roman, Byzantine and Venetian roots intertwine" (akt.gov.al, n.d.-a). The appositive noun phrase "a microcosm of Mediterranean history" performs a nominalisation that

transforms a complex archaeological stratigraphy into a single, graspable identity. The verb "intertwine" — present tense, intransitive — denies historical sequence altogether: these civilisations do not succeed one another; they coexist in a perpetual present. This is Dann's (1996) "time denial" in concentrated form. Gjirokastra's promotion introduces a variant: "an extraordinary testimony to the diversity of urban societies in the Balkans and to the unique way of life that has almost disappeared today" (akt.gov.al, n.d.-b). The phrase "almost disappeared" simultaneously mourns a loss and markets an exclusivity — the visitor is positioned as witnessing something on the verge of vanishing. This is an authentication strategy (Dann, 1996) executed through temporal framing: the destination's value is a function of its impermanence.

5.2 The Magical Dimension: Fabricating Enchantment

The magical dimension is not incidental to Albanian tourism promotion; it is systematic and pervasive. The albania.al page for the Albanian Alps is titled "A Fairy Tale Journey in the Dazzling Nature of the Albanian Alps" (albania.al, n.d.-b). The "fairy tale" frame removes the destination from empirical geography and relocates it in narrative space — a space governed by wonder, not logistics. Cappelli (2006) identifies precisely this mechanism as central to the creation of promotional "magic": the gap between the reader's routine life and the enchanted alternative offered by tourism language.

The akt.gov.al page for Butrint carries the word "magic" in its very title: "Magic Butrint — a place you definitely have to visit" (akt.gov.al, n.d.-c). The imperative construction "you definitely have to visit" exemplifies Dann's (1996) category of social-control expressions — modal verbs of obligation ("have to") combined with the intensifier "definitely" that convert a suggestion into something approaching a command. The text enacts what Cappelli (2006) describes as a "spell": the reader is told not merely that the site is attractive but that visiting it is a quasi-moral imperative.

Descriptive language on the Alps pages reinforces the enchantment through sustained figurative density: "The Valbona River creates enchanting canyons and picturesque villages along its course" (albania.al, n.d.-b). The river is granted agency ("creates"), the canyons are "enchanting" (a participial adjective that literally attributes a spell to landscape), and the villages are "picturesque" — a word whose etymology (from Italian *pittoresco*, "fit for a painting") reveals the extent to which tourism language frames nature as an aesthetic object for consumption.

5.3 The Euphoric Dimension: Superlative Saturation

Euphoric language in Albanian tourism promotion operates through what can be characterised as *superlative stacking* — the accumulation of extreme evaluative terms within short textual spans. The Albanian Riviera page on albania.al describes the coastline as a place "where the sun stretches across the deep sea, where there are splendid configurations of rocky and isolated small beaches, and the mountains and hillsides are covered in Mediterranean vegetation with charming villages constructed between the mountains and sea" (albania.al, n.d.-c). Within a single sentence, "splendid," "isolated," and "charming" perform the evaluative saturation that Gotti (2006) identifies as characteristic of tourism's specialised discourse. The absence of

any qualifying or negative term exemplifies Dann's (1996) principle that the language of tourism is exclusively enthusiastic.

The akt.gov.al Riviera pages elevate this further through the metaphorical register: "Among the most famous natural gems include Gjipësë Bay, Gramë Bay, Kakomeja, Krorëza and the Aquarium beach" (akt.gov.al, n.d.-d). The nominalisation "natural gems" converts geographical features into precious objects, compressing the evaluative force of multiple adjectives into a single metaphor. Pierini's (2009) observation that tourism English relies on "extreme language" finds strong confirmation here.

The Berat pages deploy euphoria in service of authentication: "Berat is a treasure-trove of Albanian history, culture and a testament to the country's tradition of religious harmony" (albania.al, n.d.-a). The metaphor "treasure-trove" performs double duty — it asserts value (euphoria) and implies hidden, undiscovered wealth (differentiation). The compound noun "religious harmony", meanwhile, is a nominalisation that resolves centuries of complex interfaith coexistence into a marketable brand attribute.

5.4 Cross-Cutting Observations

Several patterns cut across all four destination categories. Deixis is pervasive: second-person address appears in phrases such as "you'll encounter the Valbona River Valley" (albania.al, n.d.-b) and "The first thing you will notice in Berat is its stunning natural environment" (albania.al, n.d.-a). These instances of personal deixis enact what Calvi and Mapelli (2011) describe as ego-targeting: the reader is positioned not as a spectator but as an already-committed participant in the tourism experience.

The national branding tagline "Albania: Go Your Own Way" (adopted circa 2014) distils many of these mechanisms into three words. The imperative mood invokes Cappelli's (2006) magical dimension; the second-person address is a deictic interpellation; and the phrase "your own way" simultaneously promises differentiation (you will not follow the crowd), authentication (the experience will be uniquely yours), and recreation (freedom from constraint). It is a compressed instance of what Dann (1996) envisions as the full persuasive apparatus of tourism discourse.

6. Conclusion

This paper has traced a long arc — from the ethnocentric rejection of the foreign in ancient and medieval Europe, through the Enlightenment's tentative revaluation of otherness, to the emergence of a global tourism industry whose lifeblood is persuasive communication. The historical survey reveals that each phase of travel's evolution has deposited particular expectations in the cultural sediment: the pilgrim's desire for transformation, the grand tourist's hunger for cultivation, the modern vacationer's search for escape and authenticity. Contemporary promotional language inherits all of these, and it addresses them through a specialised discursive apparatus that is remarkably systematic despite its surface diversity.

The empirical analysis of Albanian tourism promotion confirms that Dann's (1996) framework retains strong explanatory power. The three discursive dimensions — time, magic, and euphoria — operate in the Albanian corpus with striking regularity. Temporal manipulation compresses millennia into adjectival phrases, suspends

clock-time through the present indicative, and markets impermanence as exclusivity. The magical dimension, constructed through fairy-tale framing, imperative verbs of enchantment, and personification of landscape, fabricates an alternative reality that the tourist is invited — indeed, commanded — to enter. Euphoric language, driven by superlative stacking, metaphorical nominalisation, and the total exclusion of negative vocabulary, saturates every destination description with affirmative intensity.

For sociolinguistics, the findings reinforce the status of tourism discourse as a fully fledged specialised language — one with its own morphological preferences (nominalisation, impersonality), its own pragmatic logic (the fusion of informative, operative, and expressive functions described by Snell-Hornby, 1999, and Valdeón, 2009), and its own ideological underpinnings (the promise that encounter with the other is both safe and transformative). The Albanian case is instructive because it shows these mechanisms at work in an emerging destination that lacks the established brand equity of, say, France or Italy, and must therefore rely even more heavily on the persuasive resources of language itself.

The paper also demonstrates that the classical frameworks of Dann (1996) and Cappelli (2006) remain productive in the digital era, a finding consistent with the recent work of Mele et al. (2021), Femenia-Serra et al. (2022), and Mattei (2024) on social media tourism communication. Digital platforms have not replaced the foundational mechanisms of persuasion; they have compressed and multimodalised them. The "fairy tale journey" headline on albania.al functions identically in a browser window as it would on a printed brochure — but it now coexists with Instagram hashtags (#VisitAlbania), influencer testimonials, and user-generated e-WOM that, as D'Acunto et al. (2023) and Bi et al. (2024) show, replicate the same evaluative and affective patterns in consumer language. Future research might profitably extend the present analysis to a multimodal corpus — integrating visual, textual, and interactive elements across platforms, and to comparative studies of emerging Balkan destinations whose promotional challenges mirror Albania's.

The practical implications are direct. Effective tourism promotion requires not only compelling visuals but a sophisticated command of the linguistic mechanisms through which destinations become desirable. Albanian destination marketers — and their counterparts in other emerging markets — stand to benefit from conscious attention to the temporal, magical, and euphoric registers that this paper has analysed. As Dann (1996) insists, success lies in addressing potential tourists in terms of their culturally predicated needs — pushing them, gently but irresistibly, from the armchair onto the plane.

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Assessing Social-Emotional and Behavioral Functioning in Preschool Children: Teacher Reports from an Albanian Sample

Lediona Braho
Faculty of Social Sciences, University of Tirana, Albania

Abstract

This study examines social-emotional and behavioral functioning in preschool children. Grounded in the growing emphasis on early socio-emotional development and its role in school readiness, the study aims to describe patterns of emotional and behavioral difficulties and to explore gender differences in children's functioning within preschool settings.
Data were collected from 36 teachers reporting on 208 children attending 18 public kindergartens in urban Tirana, Albania, during the 2025–2026 academic year. The Strengths and Difficulties Questionnaire (SDQ) teacher version was used to assess key domains, including emotional symptoms, conduct problems, hyperactivity, peer relationship problems, and prosocial behavior. Descriptive analyses showed that the majority of children were within the normal range. However, a notable proportion fell within borderline and abnormal categories, particularly in hyperactivity and emotional symptoms. Independent samples t-tests revealed significant gender differences, with boys exhibiting higher levels of externalizing difficulties.
Findings are discussed in light of existing literature on early childhood development and highlight the importance of early identification of socio-emotional difficulties within educational contexts. The study underscores the value of teacher-reported measures as ecologically valid tools for assessing children's functioning in classroom environments and supports the need for strengthening preventive and supportive practices in preschool education.
This research contributes to the limited body of evidence on socio-emotional development in early childhood within the Albanian context and offers practical implications for educators, school psychologists, and policymakers. Furthermore, the findings underscore the importance of implementing early, evidence-based Social-Emotional Learning (SEL) interventions to promote children's well-being and prevent the emergence of later emotional and behavioral difficulties.

Keywords: Social-emotional development, preschool children, teacher report, early childhood.

Introduction

Early childhood represents a critical period for the development of social-emotional competencies, which are foundational for children's overall well-being, interpersonal functioning, and later academic success. Social-emotional development in the preschool years encompasses the ability to understand and regulate emotions, establish positive relationships, and engage in prosocial behavior (Denham et al., 2012; Jones et al., 2015). These competencies are closely linked to school readiness, adjustment, and later academic outcomes, highlighting the importance of early identification and support for children experiencing difficulties (Durlak et al., 2011; Jones et al., 2015; Martinsone et al., 2022; Taylor et al., 2017). In preschool settings, these competencies are fostered through supportive teacher–child relationships, emotionally responsive environments, and everyday interactions that promote social engagement and self-regulation.

Building on this evidence, in recent years, there has been a growing emphasis on social-emotional learning (SEL) as a key component of early childhood education. SEL frameworks focus on the development of skills such as emotional awareness, self-regulation, empathy, and responsible decision-making (Collaborative for Academic, Social, and Emotional Learning [CASEL], 2020).

A crucial step in supporting children's social-emotional development is the early assessment of emotional and behavioral functioning. Screening tools allow for the identification of children who may be at risk for difficulties and facilitate timely intervention. Teacher-reported measures play a particularly important role in the assessment of young children, as teachers provide valuable insights into children's behavior within structured social and learning environments. Research indicates that teacher reports can reliably capture patterns of emotional and behavioral functioning, especially in early childhood, where children's behavior may vary across contexts (Goodman et al., 2000). Moreover, teachers are uniquely positioned to observe children's interactions with peers, their behavioral regulation, and their adaptation to classroom routines over extended periods of time.

Despite the growing international literature, there remains a limited body of research on social-emotional development in early childhood within the Albanian context, particularly using standardized screening instruments such as the SDQ. Research in Albania indicates that early participation in preschool education contributes significantly to children's social competence and emotional development, while contextual factors such as learning environment and parental involvement influence behavioral adjustment (Hyseni-Duraku et al., 2021; Keçi, 2018). Recent evidence indicates that teachers' social-emotional competencies are positively associated with students' emotional well-being and socio-emotional development, highlighting the critical role of educators in implementing effective SEL practices (Bara et al., 2025). Additionally, national reports highlight that the quality of early childhood education and family involvement play a critical role in shaping children's social-emotional and behavioral outcomes (UNICEF, 2020).

These findings support the need for assessing children's socio-emotional and behavioral functioning. Understanding how teachers perceive and report children's functioning in these areas is essential for informing educational practices, early identification processes, and intervention strategies in preschool settings.

Therefore, the present study aims to examine teacher-reported social-emotional and behavioral functioning in preschool children aged 5–6 years. Specifically, the study seeks to (1) describe patterns of emotional and behavioral difficulties and (2) explore variations in these patterns across key demographic variables. By situating the findings within the broader framework of socio-emotional development, this study aims to contribute to the development of evidence-based practices supporting children's well-being in early childhood education.

Methodology

Study Design

This study employed a quantitative, cross-sectional design to examine teacher-

reported social-emotional and behavioral functioning in preschool children aged 5 to 6 years. The study was based on teacher ratings collected through the Strengths and Difficulties Questionnaire (SDQ) and an accompanying demographic questionnaire. The design was intended to provide a descriptive and comparative overview of children's social-emotional functioning as perceived by their teachers within the preschool context.

Participants and Sampling Procedure

The study sample consisted of 208 children attending 18 public kindergartens in urban Tirana, Albania, during the 2025–2026 academic year. Kindergartens were selected through a random sampling procedure, and within each setting, children were randomly selected. Eligible participants were 36 preschool teachers working with children enrolled in the selected public kindergartens. Inclusion criteria required that children be between 5 and 6 years of age and regularly attending the preschool institution at the time of data collection. Teachers who agreed to participate voluntarily and completed the assessment forms for the selected children were included in the final sample.

Instrument

Children's socio-emotional functioning was assessed using the Strengths and Difficulties Questionnaire (SDQ) (Goodman, 1997, 2001). The SDQ is a 25-item instrument comprising five subscales: Emotional Symptoms, Conduct Problems, Hyperactivity/Inattention, Peer Problems, and Prosocial Behavior. Each item is rated on a 3-point scale (0 = not true, 1 = somewhat true, 2 = certainly true). The first four subscales are summed to generate a Total Difficulties score (range 0–40), while the Prosocial scale is analyzed separately. Prior to analysis, positively worded items (items 7, 11, 14, 21, and 25) were reverse-coded so that higher scores consistently indicated greater difficulties. Subscale scores range from 0 to 10. The SDQ was selected due to its brevity and established utility as a screening measure of children's emotional and behavioral adjustment. In the present study, the instrument was used to obtain teacher-reported data on key domains of preschool children's social-emotional functioning.

In addition to the SDQ, participating teachers completed a brief demographic questionnaire developed for the purposes of the study. This questionnaire collected background information relevant to the interpretation of teacher-reported outcomes. Variables included teachers' age, level of education, years of experience in early childhood education, and participation in relevant professional trainings. Furthermore, teachers provided information on key child-related characteristics, including the child's gender and the duration of daily attendance in kindergarten (full-day or half-day attendance). These demographic indicators were included to describe the sample and to allow for the examination of potential variations in SDQ scores across teacher- and child-related characteristics.

Procedure

Data collection was carried out in collaboration with the selected public kindergartens

in Tirana. Prior to data collection, institutional permission was obtained from the relevant educational authorities and from the administrations of the participating kindergartens. Following approval, the researcher coordinated with kindergarten staff to organize the administration of study materials to participating teachers.

The pilot phase was conducted first with four teachers in order to evaluate the comprehensibility and feasibility of the instrument. Based on feedback obtained during this phase, minor adjustments were made to improve the clarity of instructions and item wording where necessary. The final version of the assessment package included: (a) an informed consent form, (b) the SDQ teacher version, and (c) the demographic questionnaire.

During the main phase of data collection, teachers received the questionnaire package within their respective kindergartens. They were informed about the purpose of the study, the voluntary nature of participation, the confidentiality of their responses, and their right to withdraw at any point without consequence. Teachers who agreed to participate completed the SDQ and demographic questionnaire for the selected children and returned the completed materials according to the procedures established in each kindergarten.

Ethical Considerations

The study was conducted in accordance with fundamental ethical principles for research involving human participants. Ethical approval and/or institutional authorization was obtained prior to the beginning of the study from the relevant authorities responsible for overseeing access to the participating preschool institutions. Participation was entirely voluntary, and informed consent was obtained from all participating teachers before questionnaire completion. They were clearly informed about the aims of the study, the procedures involved, the approximate time required, and the intended use of the collected data for research purposes only. They were also informed that participation was anonymous or confidential, depending on the data management procedure adopted, and that they could decline participation or discontinue involvement at any time without penalty. No identifying personal data unnecessary for the aims of the study were collected.

Data Analysis

Data were analyzed using IBM SPSS Statistics (Version 25). Initially, descriptive statistics were computed to summarize the demographic characteristics of the sample and the distribution of scores across the SDQ domains. Means, standard deviations, frequencies, and percentages were used as appropriate. Subsequently, comparative analyses were planned in order to examine possible differences in teacher-reported social-emotional and behavioral functioning across selected demographic variables, such as child gender. Prior to analysis, the data were screened for outliers and distributional assumptions. Boxplot inspection indicated the presence of some higher scores; however, all values were within the expected range of the SDQ, and no extreme or implausible outliers were identified. Tests of normality (Kolmogorov–Smirnov and Shapiro–Wilk) were significant for all variables ($p < .001$), indicating deviations from normality. Slightly positive skewness was observed for the difficulties scales,

while the prosocial scale demonstrated a negative skew, consistent with the expected prevalence of positive social behaviors in early childhood. However, given the large sample size and the acceptable skewness and kurtosis values, the distributions were considered sufficiently normal for descriptive analyses.

Results

Demographics

The sample consisted of 208 preschool children aged 5–6 years, including 105 boys (50.5%) and 103 girls (49.5%). The majority of children attended preschool on a full-time basis (71.6%), while 28.4% attended part-time. Each kindergarten included one preschool group with two teachers. All teachers were female, with a mean age of 44.08 years (SD = 10.93; R = 24–60) and an average of 15.36 years of work experience (SD = 11.51). Most teachers held a Bachelor's (50%) or Master's degree (47%) in preschool education. The majority also reported having attended multiple professional trainings, particularly in competence-based curriculum (80.6%), curriculum planning (72.2%), inclusive education (72.2%) and preschool assessment (63.9%). Additionally, a substantial proportion of teachers (72.2%) reported participation in trainings delivered by the psychosocial sector, primarily focused on supporting children's socio-emotional and psychosocial development.

Reliability

The internal consistency of the Strengths and Difficulties Questionnaire (SDQ) was assessed using Cronbach's alpha coefficient. The Total Difficulties score demonstrated very good reliability (α = .839), indicating a high level of internal consistency across the 20 items. At the subscale level, Hyperactivity (α = .754) and Emotional Symptoms (α = .713) showed good internal consistency, while Conduct Problems (α = .679) and Prosocial Behavior (α = .664) demonstrated acceptable levels of reliability. In contrast, the Peer Problems subscale yielded a low Cronbach's alpha (α = .409), suggesting limited internal consistency. This finding may reflect heterogeneity among the items or challenges in capturing peer-related difficulties within this sample. The pattern of reliability coefficients aligns with prior psychometric evaluations of the SDQ, where the Peer Problems subscale has consistently demonstrated weaker internal consistency relative to other domains (Goodman, 2001).

Descriptive Statistics

Descriptive statistics for the SDQ scales are presented in Table 1. Overall, children showed relatively low levels of emotional and behavioral difficulties and high levels of prosocial behavior.

Specifically, mean scores for Emotional Symptoms (M = 1.34, SD = 1.95) and Conduct Problems (M = 1.51, SD = 1.88) were low, indicating that such difficulties were not frequently reported by teachers. Similarly, peer problems were relatively low (M = 1.92, SD = 1.79). Hyperactivity scores were slightly higher (M = 2.17, SD = 2.31) compared to other difficulties subscales, suggesting that attentional and activity-related behaviors

may be more commonly observed in this age group. In contrast, prosocial behavior showed high mean levels (M = 8.04, SD = 2.04), indicating that most children were perceived as demonstrating positive social behaviors such as helping, sharing, and cooperating with others. The total difficulties score (M = 6.94, SD = 6.07) further supports the overall pattern of relatively low behavioral and emotional difficulties in the sample. These findings are consistent with developmental expectations for early childhood, where prosocial behaviors are typically well established, while behavioral regulation is still developing.

Table 1

Descriptive Statistics for SDQ Subscales and Total Difficulties

SDQ Scale	Mean	Std. Deviation	Minimum	Maximum
Emotional Symptoms	1.34	1.94	0	9
Conduct Problems	1.51	1.88	0	9
Hyperactivity	2.17	2.31	0	10
Peer Problems	1.92	1.79	0	10
Prosocial Behavior	8.04	2.03	0	10
Total Difficulties	6.94	6.06	0	29

Note. SDQ = Strengths and Difficulties Questionnaire. Higher scores indicate greater difficulties, except for Prosocial Behavior, where higher scores reflect more positive social functioning. *N=208*

Categorical SDQ Analysis

Categorical analyses based on established SDQ cut-off scores are presented in Table 2. Overall, the majority of children were classified within the normal range across all subscales, indicating generally low levels of emotional and behavioral difficulties in the sample. Specifically, 90.9% of children were within the normal range for Emotional Symptoms, with only 6.3% falling in the abnormal range. Similarly, Hyperactivity scores were predominantly within the normal range (89.4%), with a relatively small proportion of children classified as abnormal (6.3%). For Conduct Problems, a lower proportion of children fell within the normal range (74.5%), while a notable percentage were classified as abnormal (17.3%), suggesting that behavioral difficulties related to rule-breaking or aggression may be more prominent in a subset of children.

Peer Problems showed a similar pattern, with 80.8% of children in the normal range and 7.2% in the abnormal range, while 12.0% were classified as borderline. In terms of prosocial behavior, the majority of children (88.0%) were within the normal range, indicating strong positive social skills, whereas only 5.3% fell within the abnormal range. Finally, for total difficulties, 77.4% of children were classified as normal, while 11.5% and 11.1% fell within the borderline and abnormal ranges, respectively, indicating that approximately one in five children exhibited elevated levels of overall difficulties.

Table 2

Distribution of SDQ Scores Across Normal, Borderline, and Abnormal Categories

SDQ Scale	Normal (%)	Borderline (%)	Abnormal (%)
Emotional Symptoms	90.9	2.9	6.3
Conduct Problems	74.5	8.2	17.3
Hyperactivity	89.4	4.3	6.3
Peer Problems	80.8	12.0	7.2
Prosocial Behavior	88.0	6.7	5.3
Total Difficulties	77.4	11.5	11.1

Note. Percentages are based on established Strengths and Difficulties Questionnaire (SDQ) cut-off scores. Total difficulties represent the sum of emotional symptoms, conduct problems, hyperactivity, and peer problems (excluding prosocial behavior). Higher scores indicate greater difficulties, expect for prosocial behavior, where higher scores reflect more positive social functioning. *N=208*

Gender Differences

Independent samples t-tests were conducted to examine gender differences across the SDQ subscales. The results indicated no statistically significant gender differences in Emotional Symptoms, $t(206) = 0.78$, $p = .437$, or Peer Problems, $t(206) = 0.66$, $p = .510$. However, significant gender differences were found in several domains. Boys scored significantly higher than girls on Conduct problems, $t(206) = 2.11$, $p = .036$, and Hyperactivity, $t(206) = 3.65$, $p < .001$. Boys also exhibited higher overall difficulties, as reflected in Total Difficulties scores, $t(206) = 2.54$, $p = .012$. In contrast, girls demonstrated significantly higher levels of prosocial behavior compared to boys, $t(206) = -2.85$, $p = .005$. Overall, these findings suggest a pattern consistent with prior research, with boys exhibiting higher levels of externalizing difficulties and girls showing stronger prosocial functioning.

Table 3

Gender Differences in SDQ Scale Scores

SDQ Scale	Boys (n=105) M (SD)	Girls (n=103) M (SD)	t (df=206)	p
Emotional Symptoms	1.45 (2.05)	1.23 (1.84)	0.78	.437
Conduct Problems	1.78 (2.01)	1.22 (1.68)	2.11	.036*
Hyperactivity	2.75 (2.45)	1.60 (2.05)	3.65	< .001***
Peer Problems	2.00 (1.85)	1.84 (1.73)	0.66	.510
Prosocial Behavior	7.65 (2.15)	8.45 (1.85)	-2.85	.005**
Total Difficulties	7.98 (6.45)	5.89 (5.52)	2.54	.012*

Note. Higher scores indicate greater difficulties, except for prosocial behavior, where higher scores reflect more positive social functioning.

p < .05*, p < .01 **, p < .001 ***

Discussion

The present study examined the socio-emotional profile of preschool children aged 5–6 using the Strengths and Difficulties Questionnaire (SDQ), with a particular focus on descriptive patterns and gender differences. The findings provide important insights into early socio-emotional development and highlight implications for Social-Emotional Learning (SEL) in preschool settings. Overall, the results indicated that the majority of children were classified within the normal range across SDQ dimensions, suggesting generally adaptive socio-emotional functioning in this age group. However, a notable proportion of children fell within the borderline and abnormal ranges, particularly in domains such as hyperactivity and emotional symptoms. These findings suggest that while most children demonstrate typical developmental trajectories, a subgroup may already exhibit early signs of socio-emotional or behavioral difficulties. This pattern is consistent with developmental literature emphasizing that early childhood is a critical period for the development of emotional regulation, attention, and social competence (Cipriano et al., 2024; Denham et al., 2012; Domitrovich et al., 2017; Jones et al., 2015; Taylor et al., 2017). Early identification of such difficulties is essential, as they may persist over time and negatively affect later academic and social outcomes (Campbell et al., 2000; Goodman,

2001).

Gender differences observed in the study were in line with well-established findings in the literature. Boys tended to show higher levels of externalizing problems, including hyperactivity and conduct difficulties, whereas girls showed relatively higher levels of internalizing difficulties, such as emotional symptoms. These differences may be explained by both biological factors and gender socialization processes, where boys are more likely to display overt behavioral difficulties, while girls may internalize distress (Chaplin & Aldao, 2013; Else-Quest et al., 2006; Levkovich et al., 2025; Rescorla et al., 2012). These findings underline the importance of adopting gender-sensitive approaches when designing early interventions and educational strategies.

The use of teacher-reported SDQ data offers valuable insights into children's functioning within the naturalistic context of the classroom. Teachers are uniquely positioned to observe children's behavior across structured activities, peer interactions, and daily routines, making their reports particularly informative for assessing behavioral regulation and social competence (Achenbach et al., 1987; De Los Reyes & Kazdin, 2005; Mashburn et al., 2009). At the same time, it is important to acknowledge that teacher reports may be influenced by contextual and subjective factors, such as classroom expectations and individual perceptions of behavior. Despite these limitations, teacher-based assessments are widely considered reliable and ecologically valid sources of information in early childhood research (Achenbach and Rescorla, 2001; Mashburn et al., 2009).

The findings of this study have important implications for the implementation of Social-Emotional Learning (SEL) programs in preschool settings (Cipriano et al., 2024; Durak et al., 2011; Taylor et al., 2017). The presence of children in the borderline and abnormal ranges highlights the need for early preventive and promotive interventions targeting socio-emotional competencies. The observed patterns of difficulties, particularly in hyperactivity and emotional symptoms, suggest that targeted Social-Emotional Learning (SEL) interventions should be integrated into preschool curricula. Such interventions should focus on strengthening emotional regulation, attention control, and social skills, which are critical for school readiness and later developmental outcomes (CASEL, 2020; Durlak et al., 2011).

Core competences such as emotional understanding, self-regulation, social awareness, and prosocial behavior are foundational skills for school readiness and long-term well-being (CASEL, 2020). Research consistently demonstrates that structured SEL interventions significantly enhance young children's social competence, emotional understanding, and behavioral regulation (Blewitt et al., 2018; Cipriano et al., 2024; Denham et al. 2012). Furthermore, a growing body of evidence indicates that early SEL interventions not only improve academic outcomes, but also contribute to long-term mental health and the development of positive social relationships, positioning SEL as a critical foundation for children's overall development and lifelong well-being (Jones et al., 2015; Sklad et al., 2012; Zins et al., 2004).

The findings of the present study should also be interpreted within the Albanian educational context, where socio-emotional development is recognized as a core component of early childhood education. The national curriculum framework emphasizes a competency-based and holistic approach, highlighting the importance

of developing children's emotional regulation, social skills, and adaptive functioning from an early age (Ministry of Education, Sports and Youth, 2017). Similarly, early learning standards and national reports underline the role of preschool education in fostering socio-emotional competencies as a foundation for school readiness and well-being (Ministry of Education, Sports and Youth, 2016; UNICEF, 2023). The findings of the present study, particularly the identification of children at risk for socio-emotional difficulties, further reinforce the need for systematic integration of Social-Emotional Learning (SEL) approaches within Albanian preschool settings.

The presence of gender differences further indicates the importance of gender-sensitive approaches in the design and implementation of SEL programs, ensuring that interventions address different patterns of socio-emotional expression in boys and girls (Else-Quest et al., 2006; Chaplin dhe Aldao, 2013). Finally, these findings underscore the importance of teacher training and support, as educators play a central role in both identifying and addressing children's socio-emotional needs within the classroom environment (Jennings and Greenberg, 2009; Schonert-Reichl, 2017).

Conclusion

This study provides a comprehensive overview of the socio-emotional functioning of preschool children aged 5–6, highlighting that while the majority demonstrate typical developmental patterns, a meaningful proportion exhibit early signs of emotional and behavioral difficulties, particularly in hyperactivity and emotional domains. The findings also confirm the presence of gender-related differences consistent with existing literature, as well as the value of teacher-reported assessments in capturing children's functioning within the classroom context. Overall, these results underscore the importance of early identification and support of socio-emotional needs in preschool settings and strongly support the implementation of structured Social-Emotional Learning (SEL) interventions as a preventive and promotive approach to enhance children's well-being, school readiness, and long-term developmental outcomes.

Limitations of study

Several limitations should be considered when interpreting these findings. First, the reliance on teacher-reported data may introduce informant bias, as children's behavior may vary across contexts and observers (Achenbach and Rescorla, 2001; De Los Reyes and Kazdin, 2005). Future studies should incorporate multiple informants, including parents and direct observational measures, to provide a more comprehensive assessment. Second, the cross-sectional design limits the ability to draw conclusions about developmental changes or causal relationships (Shadish et al., 2002). Third, the relatively low reliability of the Peer Problems subscale suggests caution in interpreting findings related to this domain (Goodman, 2001). Finally, cultural and contextual factors specific to the Albanian preschool system may influence both the expression and interpretation of children's behavior, potentially limiting the generalizability of the results (Bornstein, 2012).

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Child Abduction in Private International Law: A Critical Analysis of Wrongful Removal and Return Orders under Brussels Il bis and the Hague Convention

Assoc. Prof. Dr. Ervis Çela
University of Tirana Albania
1010, 4 Mother Teresa Sq., Tirana, Albania
https://orcid.org/0009-0004-1630-3644

Abstract

This paper analyzes international child abduction through the lens of the Brussels II bis Regulation and the Hague Convention. It starts by giving the definition of child abduction in both instruments. The paper subsequently examines the concept of the child's best interests as interpreted by the Court of Justice of the European Union (CJEU) and the European Court of Human Rights (ECtHR). It also looks more closely at jurisdiction and how to enforce decisions about return orders, such as how to carry them out, the requirements for issuing certificates, and how to move cases to another court and who can ask for that. Finally, the paper looks at the child's right to be heard under the Brussels II bis Regulation and the Hague Convention, as well as other international instruments that deal with this issue.

Keywords: Private International Law, International child abduction, Brussels II bis Regulation, Hague Convention, best interests of the child; jurisdiction, return orders, right of the child to be heard.

1. Introduction

International child abduction is a significant area of cross-border family law necessitating a unified legal response to guarantee the swift return of the child and the safeguarding of their rights. The Brussels II bis Regulation and the Hague Convention are the primary governing instruments that deal with cases of wrongful removal or retention in Europe. The use of these tools is closely related to the principle of the best interests of the child, which has become very important in how rules about international child abduction are understood. The approaches developed by the Court of Justice of the European Union (CJEU) and the European Court of Human Rights (ECtHR) are very important in determining how this principle is understood in practice.The rules governing jurisdiction and how to enforce decisions about return orders are just as important. The system works best when the right court is assigned, the right conditions are met for issuing certificates and cases can be moved to a court that is better able to hear them. Moreover, proceedings in this domain increasingly underscore the child's right to be heard as a fundamental procedural safeguard. The Brussels II bis Regulation, the Hague Convention and other international instruments all recognize this right. It is also an important part of the legal framework that applies to international child abduction.

2. Definition according to the Regulation and the Hague Convention

The Brussels II bis Regulation (Regulation (EC) No 2201/2003, Art. 2(11).) includes the term "Child Abduction" as wrongful removal or retention, the definition of which is clarified in Article 2(11), according to which removal or retention is wrongful when it is carried out in breach of rights of custody, provided that these rights were acquired by way of a judgment, by operation of law, or by agreement between the parties, and that such rights were being exercised at the time of the abduction, or would have been exercised if they had not been hindered by the removal or retention. Therefore, these conditions must be fulfilled cumulatively in order for the retention or removal of the child to be considered abduction and, consequently, to be in violation of the Regulation. In order to determine whether the removal or retention was "wrongful" within the meaning of the Regulation, it is decisive to establish the habitual residence of the child. In parallel with the Hague Convention on the Civil Aspects of International Child Abduction, we observe a very similar, not to say identical, definition of the notion of Child Abduction. The Convention, like the Regulation, defines the term wrongful removal or retention of a child as being present in cases where it consists in a breach of rights of custody attributed to a person, an institution, or another body, whether exercised jointly or individually, under the law of the State in which the child was habitually resident before the removal or retention. (Hague Convention on the Civil Aspects of International Child Abduction, OJ C 400/10.) It should be emphasized that both the Regulation and the Convention refer to rights of custody in order to analyse or define the term (Hague Convention, OJ C 400/10.) of wrongful retention or removal; this approach is explained by the fact that the reference to rights of custody is essential in order to allow the judge to verify that the habitual residence was lawful and that the abduction interrupted a relationship of the child within a family that was lawful. In other words, the examination carried out by the judge with regard to the situation of the child in the foreign legal system must be limited to the assessment of the legitimacy of the residence prior to its change by the abductor, with the aim of creating a different family environment abroad for the child. The Court of Justice of the European Union has interpreted Article 2(11) of the Brussels II bis Regulation in Case C-400/10, stating that, under the Brussels II bis Regulation, the breach of rights of custody, conferred by the relevant national legislation, constitutes a precondition for considering the movement as wrongful.

2.1. *The Best Interests of the Child in the Approaches of the Court of Justice of the European Union and the European Court of Human Rights*

The best interests of the child is a principle which is provided for in a series of international and national instruments, as a principle which serves the well-being and the protection of the fundamental rights of the child. The "paramount importance" of the interests of children is emphasized in the Preamble of the 1980 Hague Convention, while the concept is also reflected in Articles 12, 12(3), 15(1) and (4), and 23 of the Brussels IIa Regulation. [1]The provisions of the Brussels II bis Regulation can never be interpreted in a manner that is contrary to primary EU law. Therefore, this Regulation must be interpreted in accordance with the fundamental rights of the child concerned,

(The best interst of child alëays come first," Koen Lenaerts- Vice-President of the Court of Justice of the European Union L–2925 Luxembourg.) in particular with the provisions of Articles (Articles 7 and 24 of the Charter of Fundamental Rights of the European Union.) 7 and 24 of the Charter of Fundamental Rights of the European Union. The Court of Justice of the European Union does not give absolute priority to the free movement of judgments over the protection of fundamental rights. Rather, as the case-law clearly emphasizes, the Court of Justice will never interpret the Brussels II bis Regulation against the "best interests of the child." The principle was universally accepted by the United Nations in 1989, while in 2001 the European Court of Human Rights declared that the assessment of what is in the best interests of the child is in every case of decisive importance. However, there is no unanimous position with regard to this principle, thereby leaving room for different interpretations by national courts and beyond, as the lack of unanimity in the approach to the principle is evident from a review of the case-law of the Court of Justice of the European Union and the European Court of Human Rights. (The EU Child Return Procedure: in search of efficiency.) In "Neulinger and Shuruk v. Switzerland", the European Court of Human Rights accepted that national courts must proceed towards an individual and ad hoc approach to the notion of the best interests of the child, by examining in depth the entire family situation, including factors of an emotional, psychological, material nature, and medical examination. (Neulinger and Shuruk v. Sëitzerland ECHR.) In the same case, the European Court of Human Rights accepted that national courts must proceed towards an individual and ad hoc approach to the notion of the best interests of the child, by examining in depth the entire family situation, including factors of an emotional, psychological, material nature, and medical examination. On the other hand, in a particular case, the factual circumstances may in fact be present. In "X v Latvia", the European Court of Human Rights held that there had been a violation of Article 8 of the European Convention on Human Rights. It considered that the European Convention and the Hague Convention of 25 October 1980 should be applied in a combined and harmonious manner and that the best interests of the child should be the primary consideration. On the other hand, the Court of Justice of the European Union adopted a more comprehensive and different approach to the notion compared to that adopted by the European Court of Human Rights. (X v Lativia ECHR.)

In "Aguirre Zarraga", the Court sought to interpret the Regulation in a strict manner, stating that the principle is sufficiently protected if the Regulation and the principle of mutual trust are applied correctly. More specifically, the Court of Justice of the European Union emphasized that the courts of each Member State must trust that every court in every other Member State equally ensures the protection of rights, and in particular Article 24 of the Charter of Fundamental Rights, in an equivalent and effective manner. (Aguirre ZarragaECHR) The adoption of such a fundamentally different approach from that developed by the European Court of Human Rights may lead to a further prolongation of proceedings.

3. Jurisdiction and the Enforcement of Decisions Concerning Return Orders

Article 10 of the Regulation provides for the rules on jurisdiction in cases of child abduction, stipulating that, in the event of the wrongful removal or retention of a child, the courts of the Member State where the child had his or her habitual residence immediately before the wrongful removal or retention retain their jurisdiction until the child has acquired a habitual residence in another Member State. On the other hand, the courts of the Member State where the child had his or her habitual residence immediately before the removal or retention are competent to decide on any claim relating to parental responsibility, but they do not have jurisdiction to decide on an application for the return of the child. The courts in the Member State to which the child has been wrongfully removed or in which the child is wrongfully retained are competent to decide on that matter only if the latter were to give a judgment of non-return; in such a case, the courts of the Member State of the child's habitual residence have jurisdiction to order the return of the child on the basis of Article 11(8) of the Regulation. (Muir watt on Abolition of Exequator and Human Rights.)Article 11(8) was drafted in order to avoid the effect of delaying tactics on the part of the abducting parent, which progressively became systematic on the basis of Article 13(b) of the 1980 Hague Convention (allowing the authorities of the country to which the child has been abducted to refuse, exceptionally, to order the return if this would expose the child to a serious risk). However, it should be clarified that, if the child did not have habitual residence in the Member State from which he or she was removed, the courts in that Member State evidently cannot "retain" jurisdiction, as they are not competent. Consequently, Article 10 is not relevant for determining the jurisdiction of the court in the Member State to which the child has been moved or in which the child is retained if the child has not in fact been a resident of the Member State from which he or she was removed. In other words, the courts in the Member State of removal or retention may establish jurisdiction irrespective of whether the requirements of Article 10 have been fulfilled or not. In such a case, the only criterion is the general rule on jurisdiction laid down in Article 8, namely the habitual residence of the child. Continuing the analysis, it may be stated that jurisdiction may be attributed to the courts of the new Member State only under very strict conditions, such as:
(a) the holder of rights of custody has acquiesced in the removal or retention;
(b) the child has resided in that other Member State for a period of at least one year after the holder of rights of custody has had or should have had knowledge of the whereabouts of the child, and the child is settled in his or her new habitual residence, and at least one of the following conditions is fulfilled:
(i) within one year after the holder of rights of custody has had or should have had knowledge of the whereabouts of the child, no application for return has been made;
(ii) the application for return submitted by the holder of rights of custody has been withdrawn and no new application has been lodged within the one-year time limit;
(iii) a court of a Member State has issued a judgment of non-return and has transmitted a copy of its decision to the competent court of the other Member State, but none of the parties has requested the latter court to examine the case within the prescribed time limit of three months;

(iv) upon application by a party, a court of a Member State has issued a decision on rights of custody which does not entail the return of the child.
Therefore, Article 13(1)(b) of the 1980 Hague Convention cannot be used as a shield to avoid the return of the child by departing from the jurisdiction of the child's habitual residence and thereby frustrating the objectives of the Convention. The Regulation reinforces the principle that the court shall order the immediate return of the child by limiting the exceptions under Article 13(1)(b) of the 1980 Hague Convention to a strict minimum. The principle is that the child will always be returned if he or she can be protected in the Member State of origin.

4. Enforcement of Return Orders

The Brussels II bis Regulation provides in Article 42 that judgments concerning return orders shall be recognised and enforced directly without the need for a declaration of enforceability and without any possibility of opposing their recognition, provided that the judgment has been certified in the Member State of origin, in accordance with the paragraph. Even if national law does not provide for the enforceability of a judgment relating to the return of the child pursuant to Article 11(8), notwithstanding any appeal, the court of origin may declare the judgment enforceable.
2. The judge of origin who delivered the judgment referred to in Article 40(1) shall issue the certificate referred to in paragraph 1 only if:
(a) the child has been given an opportunity to be heard, unless a hearing was considered inappropriate having regard to his or her age or degree of maturity;
(b) the parties have been given an opportunity to be heard; and
(c) the court has taken into account, in giving its judgment, the reasons and evidence underlying the order issued pursuant to Article 13 of the 1980 Hague Convention.
Most importantly, there is almost no possibility to oppose the enforcement of such a judgment in another Member State of the EU. The only ground that may be raised against its enforcement is where there exists a "subsequent irreconcilable judgment" given in the Member State of origin. In this regard, the Court of Justice of the European Union has also expressed itself in Case C-211/10, stating that:
"The enforcement of a certified judgment cannot be refused in the Member State of enforcement on the ground that, as a result of a subsequent change of circumstances, it may be seriously detrimental to the best interests of the child. Any such change must be raised before the court having jurisdiction in the Member State of origin, which must hear any application for the suspension of the enforcement of its judgment."

4.1. *Conditions for the Issuance of the Certificate*

Article 42(2) sets out a number of conditions for the issuance of the certificate. Thus, the court in the Member State of origin shall issue the certificate for the return of the child referred to in Article 42, provided that the conditions are fulfilled, such as ensuring that the child has been given an opportunity to be heard and that the court has taken into account, in giving its judgment, the reasons and evidence underlying the order issued pursuant to Article 13 of the 1980 Hague Convention.

4.2. *Transfer to Another Court*

Article 15 of Brussels IIa allows a court to request that the courts of another Member State assume jurisdiction in respect of the whole or part of a case, where that court would be better placed to hear the case and where this is in the "best interests of the child." Jurisdiction does not automatically shift in a situation where the child acquires habitual residence in another Member State during the course of the proceedings. Once a case has been transferred to the court of another Member State, it cannot be further transferred to a third court, as is the case provided for in Article 13. The Regulation clearly sets out the conditions which must be fulfilled for the possibility of transfer, namely:

- it is the child's habitual residence
- it is the child's former habitual residence
- it is the place of the child's nationality
- it is the habitual residence of the holder of parental responsibility
- it is the place where the child's property is located and the case concerns measures for the protection of the child's assets relating to the administration, preservation, or disposal of that property.
- It is in the best interests of the children, for their respective future, that jurisdiction be determined in the forum in which each real opportunity for their long-term well-being exists and in the jurisdiction that is capable of assessing each of these options within the national, cultural, linguistic, ethnic, and religious context encompassing the children's heritage. (Family LowWeek Re J (A Child: Brussels II Revised: Art 15 - Practice and Procedure) [2014] EWFC 41Guidance in respect of the timing of consideration of the issue of Article 15 Brussels II Revised transfer and the most appropriate tribunal to determine the). Moreover, both courts must be satisfied that a transfer is in the best interests of the child. Judges must cooperate in order to assess this on the basis of the "specific circumstances of the case." (Practice Guide for the application of the New Brussels II Regulation.)

As the Regulation also emphasizes, transfer to a better placed court serves the best interests of the child; however, how these two concepts are linked with Article 15 of Brussels IIa and how they are to be interpreted has been clarified by the Court of Justice of the European Union in Case C-428/15. The Court held that Article 15(1) is a "special rule of jurisdiction" which "must be interpreted strictly." It constitutes an exception to the general rule of jurisdiction under Article 8(1) of Brussels IIa, which provides that jurisdiction lies, as a rule, with the courts of the Member State of the child's habitual residence. If a court seeks to request a transfer of jurisdiction under Article 15, it must be capable of rebutting the "strong presumption" in favour of jurisdiction remaining with the State of the child's habitual residence. The court having jurisdiction must assess whether the transfer of the case would bring a "real and specific added value" with regard to the decision to be taken concerning the child, as compared with the situation where the case remains before it. In order to determine whether the requested court is "better placed" to hear the case, the competent court must not take into account the substantive law of the requested State. Taking into consideration the law of the requested Member State would undermine the principles

of mutual recognition of judgments and mutual trust between Member States, which constitute the basis of the Regulation. When examining whether the transfer would be in the "best interests" of the child, the court must be satisfied that the transfer "cannot be detrimental to the situation of the child." The court must "assess any negative effects that such a transfer may have on the family, social and emotional ties of the child concerned, or on the material situation of the child."

4.3. *Who May Request the Transfer*

The transfer may be requested on the basis of:

- at the request of a party
- on the court's own motion, provided that at least one of the parties agrees
- upon application by a court of another Member State, provided that at least one of the parties agrees. In such a case, if the second court declines jurisdiction or, within six weeks from the time it is seised, does not accept jurisdiction, the court of origin retains jurisdiction and must exercise it.

5. The Child's Right to Be Heard under the Regulation and Other International Instruments

5.1. *The Child's Right to Be Heard under the Brussels II bis Regulation and the Hague Convention*

The right of children to be heard, as a fundamental human right, is affirmed by the United Nations, the Council of Europe, and the European Union, in the best interests of the child and as an essential means for the judge to enable a better assessment of factual situations. The child's right to be heard is provided for in several provisions of the Brussels II bis Regulation; in Article 11, in relation to return orders, Brussels II bis provides that the child must be given the opportunity to be heard during the proceedings, unless this appears inappropriate having regard to his or her age or degree of maturity. Thus, the Brussels IIa Regulation explicitly emphasizes that a child must be given the opportunity to be heard in the return proceedings in the Member State to which a child has been wrongfully removed or in which the child is wrongfully retained. This provision of the Brussels IIa Regulation may be seen as a precedent in Article 13(2) of the Hague Convention, according to which the judicial or administrative authority may also refuse to order the return of the child if it finds that the child objects to being returned and has attained an age and degree of maturity at which it is appropriate to take account of his or her views.

However, in the 1980 Hague Convention, the obligation to hear children is not expressed explicitly, but is only implied from the wording of Article 13(2), whereas in the Brussels IIa Regulation the obligation to hear children is emphasized explicitly. Furthermore, the Brussels IIa Regulation requires that the enforcement of a return order pursuant to Article 11(8) be conditional upon the child having been given the opportunity to be heard during the proceedings, unless this is inappropriate. (Behind the Curtains of International Child Abduction Proceedings Hearing the Voice of the Child.) In civil proceedings concerning the return of the child on the basis of the Hague Convention or matters of parental responsibility relating to the abducted child

under the Regulation, the hearing of the child plays an important role, due to the significance of the facts reported by the child. However, it is emphasized that Article 13 of the Hague Convention provides that the judicial authority may refuse to order the return of the child if it finds that the child objects to being returned and has attained an age and degree of maturity at which it is appropriate to take account of his or her views; nevertheless, the judge is not required to adhere automatically to the wishes of the child, even if it is established that the child has reached the required level of maturity. In this way, the Hague Convention recognises that an objecting child should have a voice, but not a veto in the decision-making process as to whether he or she will be returned. The objection of a child is important, but not determinative. The Court of Justice of the European Union has also emphasized the importance of the child's right to be heard in its case-law, in particular (C-491/10) in Case C-491/10, in which reference is made to the Charter of Fundamental Rights, the Court stated that, in this regard, since Regulation No 2201/2003 cannot be contrary to the Charter of Fundamental Rights, Article 42 of that Regulation, the provisions of which affect the child's right to be heard, must be interpreted on the basis of Article 24 of that Charter. Furthermore, paragraph 19 of the preamble to that Regulation emphasizes that the hearing of the child plays an important role in the application of the Regulation, and paragraph 33 stresses, in general, that the Regulation recognises fundamental rights and respects the principles of the Charter of Fundamental Rights, ensuring, in particular, respect for the fundamental rights of the child as set out in Article 24 of the Charter.

In relation to this reasoning, the Court has also expressed itself in Case C-400/10, emphasizing that the provisions of that Regulation cannot be interpreted in such a way as to disregard that fundamental right of the child, the observance of which undeniably coincides with the best interests of the child. In this regard, it must first be noted that it is clear from Article 24 of the Charter and from Article 42(2)(a) of the Regulation that those provisions do not refer to the hearing of the child as such, but rather to the opportunity for the child to be heard. (The EU Child Return Procedure: in search of efficiency.) Notwithstanding the legal protection afforded to this right in various international instruments, a number of issues arise. Firstly, the age of the child is a concern; on the basis of age, the order will be addressed to the legal representative, who may choose not to cooperate with the proceedings in question. Moreover, it should not be overlooked that the child is heard in a manner provided for in the different national procedural systems, which may differ significantly from one Member State to another. A further practical obstacle is the hearing of a child who is currently residing in a different Member State. It is clear that, notwithstanding the Court's case-law and the optimism of the drafters, the right of the child to be given the opportunity to be heard is not adequately protected.

In conclusion, it may be stated that the hearing of the child under the Brussels IIa Regulation must have an autonomous content, that is to say, it must be understood uniformly by all Member States. Indeed, that Regulation must be applied in accordance with the fundamental rights established by the international instruments already cited, which must be interpreted in a uniform, rather than a national, sense.

5.2. *Regulation of the Right to Be Heard in Other International Instruments*

The right of the child to be heard is also regulated by other international instruments, among which may be mentioned the United Nations Convention on the Rights of the Child of 1989, which recognises the child's right to be heard as a fundamental human right in legal proceedings affecting them. Article 12 of the 1989 UN Convention provides that States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, and that the views of the child shall be given due weight in accordance with the age and maturity of the child. (The hearing of the child Benedetta Ubertazi)

The conditions of age and capacity should not be regarded as limitations, but rather as obligations on States Parties to assess the child's capacity to form an autonomous opinion to the greatest extent possible. Furthermore, the provision does not lay down any age limit for the child's right to express his or her views and discourages States Parties from introducing age limits, whether in law or in practice, which would restrict the child's right to be heard in all matters affecting him or her. The right of children to be heard in legal proceedings affecting them is also guaranteed by the Council of Europe. The European Convention on Human Rights does not explicitly mention the child's right to be heard. However, the European Court of Human Rights has affirmed that the right of children to be heard is encompassed within Article 8 of the Convention, which provides that everyone has the right to respect for his or her family life and that there shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society for the protection of health or morals, or for the protection of the rights and freedoms of others. Thus, Article 8 requires the competent national courts to strike a fair balance between the interests of the child and those of the parents, giving priority to the former rather than the latter. In order to determine the best interests of the child, the hearing of the child by the national court plays a decisive role. However, the Court has also interpreted exceptional cases, in particular in the case "Elsholz v. Germany", the Court emphasized that Article 8 of the Convention is respected by a court, in the context of a domestic case, even where the child is not heard, provided that the court's decision not to hear the child is based on the opinion of an expert, according to whom a direct hearing before the court, as well as indirect questioning, would psychologically harm the child. Whereas in the case "Raw and Others v. France", the European Court of Human Rights held that, in the context of the application of the Hague Convention of 25 October 1980 and the Brussels II bis Regulation, although the views of the children must be taken into account, their opposition does not necessarily prevent their return. (Raw and Others v. France ECHR)

Furthermore, the right of the child to express his or her views is provided for by Article 3 of the European Convention on the Exercise of Children's Rights of 1996, adopted by the Council of Europe and ratified by 20 States, including several EU Member States. This Convention aims to protect the best interests of children and, for that reason, provides for a number of procedural measures to enable children to exercise their rights, such as the right to be heard in family proceedings before judicial authorities.

In particular, Article 6 on decision-making provides that, in proceedings affecting a child, the judicial authority, before taking a decision, shall consult the child personally in appropriate cases, where necessary privately, either itself or through other persons or bodies, in a manner appropriate to his or her understanding, unless this would be contrary to the best interests of the child.

6. Conclusions and recommendations

The research in this paper demonstrates that the laws in Europe prohibiting the cross-border transportation of children are founded on multiple factors. The Brussels II bis Regulation and the Hague Convention work together to prevent the wrongful removal or retention of children.
Their effectiveness depends on how well they work by seeing how the courts in each country use them in real life.
This study shows that the idea of what is best for the child is not just an idea; it is also a rule that judges follow when they make decisions. It's clear that the European Court of Human Rights (ECtHR) and the Court of Justice of the European Union (CJEU) don't always use the same methods. There are rules that help the system work better when it comes to things like jurisdiction and enforcing return orders.
It is still important to make sure that the right choices are made, that the rules for certification are followed, and that cases are moved when they need to be to reach the framework's goals. Part of a larger effort to make procedural protections stronger in cross-border family cases is recognizing the child's right to be heard. This shows that the child is becoming a more important part of the legal process.
The study shows that the phrase "the best interests of the child" needs to be used and understood more often. This will make it less likely that judges will treat cases differently. You should pay close attention to how well return orders are being handled. This means that every place has to stick to all of its choices and meet all of the certification requirements. Also, it's important to follow the rules about jurisdiction and moving cases in a clear and efficient way so that the courts that are best able to look at the facts of each case can handle the proceedings. The Hague Convention and the Brussels II bis Regulation are two international agreements that say that the child's right to be heard should mean more than just a formality. Also, it should be guaranteed in real life.

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Typological Transformation of the Press in Shkodër (Albania), 1879–1920: Periodicity and the Rhythm of Public Communication

Dr. Isida Hoxha
University of Shkodra, "Luigj Gurakuqi"

This study analyzes the typological transformation of the press in Shkodër during the period 1879–1920 as an indicator of changes in the rhythm of public communication at a key moment of political transition encompassing the press of the Albanian National Awakening (1879–1912) and the first phase of the Independence press (1913–1920). Based on a corpus of 38 publications (14 for the period 1879–1912 and 24 for the period 1913–1920), the analysis examines publication form (annual calendars, journals, newspapers) and periodicity as indicators of how public intervention is structured through the press.
The theoretical framework draws on the concept of the newspaper as a mechanism that produces the experience of collective simultaneity (Anderson), as well as on approaches that emphasize the role of the material form of the text in shaping reading practices (Chartier). From this perspective, changes in periodicity are interpreted as changes in the rhythm of public intervention and in the temporal relationship between political developments and their articulation in the press.
The findings show a shift from the predominance of forms with longer periodicity, such as monthly journals and annual calendars, toward the political newspaper with more frequent periodicity after 1913. This transformation is accompanied by an increase in the frequency of public intervention and by a more direct relationship between political actuality and communication through the press.
The study argues that publication typology should not be treated merely as a classificatory category of press history, but as an analytical indicator of how the rhythm of public intervention is organized in transitional political contexts. Changes in periodicity reflect not only transformations in publication formats, but also changes in the intensity and frequency of public intervention. In this sense, typological analysis offers a complementary perspective for the study of press history by placing the focus not only on ideological content, but also on the temporal dimension of public communication.

Keywords: press typology, periodicity, public communication, media history, Albanian press, Shkodër.

1. Introduction

One way to understand the early development of the press is through the analysis of publication forms and their periodicity, which determine the rhythm through which public issues become part of social debate. In the late nineteenth and early twentieth centuries, the Albanian press exhibits a variety of periodical forms, such as annual calendars, journals and newspapers, which structure different modes of organizing public communication and interacting with readers.
In the Albanian context, this period coincides with the Albanian National Awakening and with the first phase of the Independence press, a historical moment in which the press played an important role in articulating political, cultural and linguistic issues. Changes in publication frequency and in the typology of press publications suggest not only an expansion of journalistic activity, but also a transformation in the way

public communication is structured in time.
Shkodër represents a particularly significant case for observing this process due to its role as one of the main cultural and publishing centers of the period. During the years 1879–1920, a considerable number of press publications with different forms and periodicities were issued in this city, creating a suitable context for analyzing the relationship between press typology and the way public intervention is structured. The year 1879 is commonly considered in Albanian scholarship as marking the publication of the first newspaper in Albania (*Ishkodra*), although later studies suggest an earlier publication date (1868). As the focus of this study is the typological transformation of the press rather than the historiographical debate on origins, 1879 is retained as the starting point of the analysis for reasons of analytical consistency. The importance of Shkodër in the development of the Albanian press is also confirmed by comparative data for the period 1913–1920, according to which, out of a total of 86 newspapers, journals and annual calendars published in the Albanian space and in the diaspora, 16 were published in Shkodër, while the others were distributed across centers such as Vlora (6), Korça (6), Tirana (2), Durrës (3), Gjirokastër (2) and Elbasan (2) (Boriçi,1997:40). These data position Shkodër among the main centers of Albanian press development in the early twentieth century.
Based on a corpus of 38 publications issued during this period, the study examines transformations in press typology and publication periodicity in order to understand how changes in publication form relate to the way public communication is structured within a context of political transition.

2. Review of Albanian Scholarship on Press History

Studies on the history of the Albanian press constitute an important research foundation for understanding the development of Albanian journalism and press discourse. They have systematically examined major publication titles, editorial orientations and key actors of Albanian journalism, situating the press within the cultural and political contexts of the Albanian National Awakening and the period of state formation (Boriçi, 1997; Boriçi & Marku, 2007, 2010; Fevziu, 2005; Zelka, 1999, 2001).
From a documentary perspective, the contribution of Palok Daka (1971) on the retrospective bibliography of the Albanian periodical press represents a fundamental reference for the identification and systematization of publication titles. By providing a structured inventory of periodicals published during the period, this work establishes a stable basis for further research on the development of the Albanian press and enables greater comparability of bibliographic data in historical studies of communication.
Although this scholarly tradition has established a solid historiographical and documentary foundation, the analysis of publication form as an analytical category remains relatively limited. Press typology, the distinction between newspapers, journals and calendars, is generally presented as a classificatory element in bibliographic inventories or as accompanying information within chronological accounts of press organs. Periodicity and publication lifespan are mentioned, but only

rarely treated as analytical indicators of how the rhythm of public communication is structured.

In this sense, there is space for an approach that considers publication form not only as a descriptive category, but as an element that influences the way the temporal dimension of public intervention is organized. If the press is understood as a space in which ideas, interests and collective identities are articulated, then its form and periodicity become integral components of the mechanisms through which public time is structured and the dynamics of debate are shaped.

This study aims to contribute in this direction by shifting the focus from the inventory of titles toward the analysis of the typological configuration of the press in Shkodër during the period under consideration. Rather than treating typology solely as a classificatory category, it is approached as an analytical indicator of how periodicity shapes the rhythm of public intervention at a key moment of political transition. In this way, the article engages with existing scholarship not by challenging it, but by complementing it with a perspective on public communication that emphasizes the temporal structuring of media practices and the rhythm through which political issues are articulated in the press.

3. Theoretical Framework: Publication Form and the Organization of Public Time

The study of press history has, in recent decades, been characterized by a shift from predominantly chronological approaches toward the analysis of communication practices and print culture. In this context, publication form is no longer considered merely a technical or classificatory category, but an element that directly influences the way the time of public communication is structured and the manner in which public interventions are articulated within the public sphere.

Benedict Anderson (2006: 24–26), in his analysis of imagined communities, emphasizes the role of the periodical press in producing the experience of collective simultaneity. Through its regular periodicity, the newspaper creates the conditions through which readers dispersed across different locations can perceive themselves as part of a shared temporal horizon structured by the simultaneous circulation of information. In this sense, periodicity is not a neutral characteristic of publication, but a mechanism that influences how collective time is experienced and how participation in public communication is rhythmically organized.

Roger Chartier (1994: 1–23), on the other hand, argues that the meaning of texts is produced not only by their content, but also by the material forms through which they circulate. Modes of publication, typographical presentation and conditions of distribution influence historical reading practices and shape the ways in which texts are appropriated by readers. From this perspective, periodical formats are associated with different relationships to reading time: monthly publications encourage a more reflective and cumulative mode of appropriation, whereas newspapers with more frequent periodicity are more closely connected to current events and to the unfolding rhythm of developments. Changes in publication form therefore relate not only to the technical organization of print production, but also to the way the relationship between text, time and readership is structured.

Within this theoretical framework, the shift from monthly journals and annual calendars toward political newspapers with more frequent periodicity can be interpreted as a transformation in the way public intervention is structured through the press. Different periodical formats produce different possibilities for public articulation: the monthly journal allows a longer interval for reflection and a greater temporal distance from events, whereas newspapers with more frequent periodicity enable faster reaction and a more continuous presence of debate in the public sphere. In this way, periodicity is related to the way the dynamics of public communication are structured and to the intensity of discursive interaction at a given historical moment. However, the periodicity of the Albanian press in the late nineteenth and early twentieth centuries cannot be fully understood without considering the structural constraints that accompanied its development. Economic difficulties, political conditions, the lack of stable printing infrastructure and challenges related to distribution often influenced interruptions in publication, delays in the release of issues or changes in planned periodicity. In this sense, periodicity does not always represent a stable and linear rhythm, but rather a negotiated rhythm between the intention to intervene publicly and the concrete constraints of production and circulation. These conditions do not diminish the analytical relevance of periodicity; on the contrary, they indicate that the rhythm of public communication is shaped through the interaction of economic, technical and political factors that directly affect the materiality of the publication.

In the case of Shkodër during the period 1879–1920, this perspective allows typological changes to be interpreted not simply as an increase in the number of publications or as a linear reflection of political developments, but as a transformation in the temporal interval between events and their public articulation. Publication form is thus related to the way the rhythm of public debate is organized and to the manner in which the relationship between political actuality and communication through the press is constructed within a historical context characterized by political and institutional transition.

This approach does not aim to establish a general theoretical model, but to use concepts related to periodicity and print culture as interpretative lenses for a specific historical case. By focusing on the typological configuration of the press, the study seeks to highlight the temporal dimension of public communication as an aspect that has remained relatively underexplored in studies on the history of the Albanian press, thus complementing the existing interpretative framework with a perspective that links the materiality of publication to the rhythm of public intervention.

4. Methodology

This study is based on the analysis of serial publications (newspapers, journals and calendars) published in the city of Shkodër during the period 1879–1920. The source corpus consists of bibliographic data identified in archival and library collections, which have been verified and supplemented through direct research in historical catalogues, periodical collections and bibliographic inventories. The research process aimed not only to collect existing data, but also to refine and correct bibliographic information concerning press titles published in Shkodër during the period under study. In this way, the corpus relies on the comparison of different archival and

library sources, aiming at the most consistent possible identification of publication titles, periodicity and editorial characteristics.
The period of study is divided into two analytical phases: 1879–1912 (the period of the Albanian National Awakening press) and 1913–1920 (the first phase of the Independence press). This division is not purely chronological, but is used as an analytical instrument to compare the typological configuration of the press across two different historical contexts characterized by distinct political, institutional and cultural conditions that influence the way public communication is structured.
The analysis focuses on three main typological indicators:
1. publication form (newspaper, journal, calendar)
2. periodicity (annual, monthly, weekly, several times per week)
3. publication lifespan (long-term continuity or early discontinuation)

These indicators are used to identify changes in the way the rhythm of publication and the temporal interval of public intervention through the press are structured, without being limited to thematic analysis of content. In this sense, typology is not treated merely as a bibliographic classificatory category, but as an indicator of the way the time of public communication is organized within a specific historical context.
The methodological approach is comparative and interpretative. It does not aim to construct a general theoretical model, but rather to examine the typological transformation of the press within a defined historical case. The selection of examples in the empirical analysis is not random, but is based on the representativeness of dominant forms and their relevance within the overall typological configuration of the period. Instead of presenting a complete inventory of all bibliographic units, the analysis focuses on titles that clearly illustrate changes in periodicity, continuity and frequency of publication.
The method employed is historical-analytical, based on the comparison of typological data and their interpretation in relation to the political and institutional context of the period. From this perspective, the press is not treated solely as a carrier of ideological content, but as a communication practice that contributes to the structuring of public intervention and to the relationship between the press and political actuality.
The main methodological limitation concerns the exclusive focus on the city of Shkodër. This limitation is intentional and relates to the importance of this city as one of the principal publishing centers in the late nineteenth and early twentieth centuries. Concentrating on a defined geographical context allows a more detailed observation of changes in periodicity and publication form, making it possible to identify typological tendencies within a relatively coherent historical and institutional framework. In this way, the case of Shkodër serves as an appropriate analytical setting for examining the relationship between publication form and the organization of the temporal dimension of public communication in a period characterized by significant political and cultural transformations.

5. Empirical Analysis

5.1. Cautious Political Articulation and Typological Configuration (1879–1912)

The typological configuration of the press in Shkodër during the period 1879–1912 is

characterized by the predominance of publication forms with less frequent periodicity, such as monthly journals and annual calendars. This rhythm of publication does not imply the absence of a political dimension, but rather reflects the conditions under which the Albanian question was articulated in the final decades of Ottoman rule, when direct political action was limited and public discourse required mediated forms of expression. In this context, relatively long periodicity creates a broader temporal interval between events and their public articulation, favoring more structured forms of argumentation that are less dependent on the urgency of immediate reaction.

The journal *Elçia e Zemrës t'Jezu Krishtit* (1891–1944) and annual calendars contributed to identity formation and to the gradual construction of national consciousness through cultural, historical and linguistic discourse. Religious discourse also constitutes an important component, as a considerable number of calendars and journals of this period have a religious profile. Monthly and annual periodicity creates conditions for a more extended elaboration of argumentation and for a form of public communication that develops cumulatively. In this sense, the articulation of national issues is often supported through historical analyses, reflections on language and culture, and the reinforcement of identity elements that function as a basis for the subsequent articulation of political demands.

Political articulation becomes more direct in the case of the newspaper *Koha* (1910), which subsequently continued as *Bashkimi* (1910–1911). These publications mark an intensification of public intervention in national issues, addressing more explicitly questions related to political organization, demands for autonomy and developments concerning the institutional position of Albanians within the Ottoman Empire. Weekly periodicity creates the possibility of more frequent responses to current developments, bringing public discourse closer to the dynamics of political debate and reducing the temporal interval between events and their mediation through the press.

Nevertheless, political articulation remains mediated through cautious discursive forms. Argumentation frequently relies on historical references, legal formulations and rhetorical strategies that avoid direct confrontation with Ottoman authorities. This mode of articulation reflects not only the political constraints of the period, but also a typological configuration in which cultural discourse and political discourse are carefully interwoven. Publication form and periodicity influence the way public intervention is structured, producing a gradual relationship between cultural reflection and political articulation.

The predominance of monthly and annual forms, combined with the presence of the weekly newspaper as a more dynamic form of communication, creates a typological configuration in which Albanian nationalism is articulated through a combination of cultural reflection and measured political intervention. The demand for autonomy is present, but its articulation develops within a rhythm of public communication that is not yet characterized by the intensity of frequent reaction that will become more visible in the period following the declaration of Independence.

From a typological perspective, this phase is characterized by:

- the predominance of monthly and annual publications
- the multi-year continuity of several titles
- weekly periodicity as the most intensive form of the political newspaper within

the period
In terms of the organization of public time, this implies a relatively longer temporal interval between political developments and their articulation in the press. The rhythm of public communication remains moderate, favoring the gradual construction of national discourse and the consolidation of cultural and political argumentation.
This typological configuration corresponds to the context of the Albanian National Awakening period, in which cultural formation and the progressive articulation of national demands remain priorities within a still limited political space, where the press functions as one of the principal mechanisms for the mediation of ideas and the organization of public debate.

5.2. Intensification of the Political Newspaper and the Acceleration of the Public Rhythm (1913–1920)

The period after 1912 marks a visible shift in the typological configuration of the press in Shkodër. While the previous phase was characterized by the predominance of forms with longer periodicity and a relatively less frequent interval of public intervention, the period 1913–1920 shows a clear increase in the presence of the political newspaper and a rise in publication frequency. Newspapers such as *Shqypnia e Re* (1913–1914), published twice a week, *Populli* (1914–1915), initially weekly and later three times a week, *Posta e Shqypniës* (1916–1918), published twice a week, *Populli* (1919–1920), also appearing twice a week, as well as *Lidhja Kombëtare* (1915), published weekly, demonstrate a clearer orientation toward more frequent public communication and a closer connection with contemporary political developments.
One of the most significant cases is *Besa Shqyptare* (1913–1921), which not only shows relatively long continuity, but also modifies its periodicity several times during its publication history. From appearing twice a week, it shifts to four times a week and later to three times a week, reflecting continuous adaptation to the intensity of political developments and to the need for more frequent public intervention. For a certain period, the newspaper also changes its title to *Zani i Shkodrës*, indicating an effort to maintain continuity of public communication within an unstable political and institutional context.
Taraboshi (1913–1921), described as "the first daily political newspaper written in correct Albanian" (Petrota, 2008: 368), represents a model of the politically oriented newspaper operating with regular periodicity and with a direct focus on issues of national and international political actuality. In comparison with the monthly forms of the earlier period, these newspapers aim at faster reaction and more direct intervention in public debate, bringing communication through the press closer to the rhythm of political developments.
At the same time, titles with short publication lifespan also appear, such as *Grêthi* (1914), *Drita e Popullit* (1914), *Lajmet e Komisis Letrare Shqipe* (1918) and *Kombi* (1919), which were published only for a few issues or even a single issue. This indicates that the increase in the number of titles does not necessarily correspond to long-term editorial stability. On the contrary, the fragmentation of publication continuity reflects the political, economic and institutional conditions of the period, as well as the difficulties accompanying the consolidation of a stable infrastructure of public

communication.
The emergence of political newspapers with more frequent periodicity produces a shorter interval between political developments and their articulation in the press. Unlike the monthly journal, which allowed greater temporal distance and a more gradual elaboration of argumentation, the newspaper in this phase operates within a denser communicative time, where political actuality assumes a more central role and public intervention becomes more frequent.
Compared to the period 1879–1912, the shift is not only numerical, but concerns the transformation in the frequency of public intervention and in the way the rhythm of public communication is structured. While the first phase was characterized by the predominance of forms with longer publication intervals, the second phase is characterized by:

- an increase in the political newspaper with more frequent periodicity
- instability in the continuity of publications
- flexible adaptation of titles and periodicity to the political context
- a stronger orientation toward political actuality and immediate developments

From the perspective of the organization of public time, this represents a shift toward communication characterized by shorter intervals of reaction. The press becomes a space in which public intervention occurs more frequently and in which political developments are articulated in a rhythm more closely aligned with political actuality.

6. Discussion

The analysis of the typological configuration of the press in Shkodër during the period 1879–1920 suggests that its transformation is not related solely to the increase in the number of titles or to the intensification of political discourse, but also to changes in the temporal interval of public intervention. The comparison between the two periods indicates a shift from the predominance of forms with less frequent periodicity toward the political newspaper with higher publication frequency, a development that is accompanied by a rhythm of public communication more closely aligned with political actuality.
In the phase 1879–1912, the predominance of monthly journals and annual calendars produces a form of public communication characterized by a longer interval of reflection. Relatively infrequent periodicity favors a gradual articulation of the national question, in which cultural discourse and political discourse are cumulatively intertwined. Even weekly newspapers represent a relative intensification of public intervention, yet they remain within a communicative rhythm that preserves a temporal distance from events and allows a more measured elaboration of political argumentation.
In the phase after 1913, the typological configuration changes more markedly. The increase in newspapers with more frequent periodicity reduces the interval between political developments and their public articulation, producing a form of communication more closely connected to political actuality. In this context, greater instability in the continuity of publications also becomes evident, reflecting the political and institutional conditions of the state-building period and the difficulties

involved in consolidating a stable editorial infrastructure.
In light of Anderson's (2006) argument, the increase in newspaper frequency can be interpreted as an intensification of the experience of political simultaneity, as shorter periodicity links the community of readers more closely to the flow of current developments. At the same time, Chartier's (1994) perspective on the relationship between the material form of publication and reading practices helps explain how monthly and annual formats produce a more reflective relation to the text, whereas newspapers with more frequent periodicity encourage more direct interaction with political developments.
From this perspective, the typological shift identified in Shkodër may be interpreted as a transformation in the way the time of public communication is structured. Changes in periodicity do not represent only an evolution in publication format, but also a shift in the frequency of public intervention and in the manner in which the relationship between the press and political actuality is articulated. This approach does not aim to replace existing interpretations concerning the ideological role of the Albanian press, but rather to propose a complementary analytical dimension by considering periodicity as an element that shapes the organization of the rhythm of public communication in transitional historical contexts.

7. Conclusion

This study examined the typological transformation of the press in Shkodër during the period 1879–1920 by focusing on publication form, periodicity and continuity of publications as indicators of the organization of public communication. The comparison of the two periods shows that the transformation cannot be reduced to a numerical increase in titles or to the intensification of political discourse alone, but is also related to a change in the frequency of public intervention.
During the period of the Albanian National Awakening, the predominance of monthly and annual publications is associated with a relatively moderate rhythm of public communication, in which the articulation of national issues develops gradually and cumulatively. In the phase after 1913, the political newspaper with more frequent periodicity becomes a central form of public communication, establishing a more direct relationship between political actuality and intervention in the public sphere.
The findings indicate that publication typology does not represent merely a classificatory category within press history, but also an indicator of the way public communication is structured in time. Periodicity is related to the frequency of public intervention and to the way the press mediates the relationship between political developments and public debate.
The contribution of this study lies in highlighting the role of typological indicators as an interpretative element in the study of the history of the Albanian press. By focusing on the city of Shkodër as one of the principal publishing centers in the late nineteenth and early twentieth centuries, the study proposes a reading that complements existing approaches primarily oriented toward ideological content and the chronological development of the press.
The main limitation concerns the focus on a single publishing center and the analysis

of typological indicators without engaging in a detailed examination of discursive content. Nevertheless, this methodological choice aims to emphasize the role of publication form in structuring public communication and to open possibilities for further research that may combine typological analysis with discourse analysis or inter-city comparative perspectives.

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AI Meets Smart Tourism: Innovating Vocational Education for the Digital Age

Anni Dasho Sharko
Luarasi University, Albania

Genci Sharko
Polytechnic University of Tirana, Albania

Abstract

The rapid development of artificial intelligence (AI) and the growth of the smart tourism industry are changing the skills needed in today's workforce. In response, vocational education and training (VET) systems need to adapt to ensure that graduates have the digital, technical, and industry-specific competencies required for future employment.
In this paper, we will investigate the ways in which vocational education and training (VET) programs in Albania are utilizing AI to educate travel and tourism skills. A discussion is also included regarding the opportunities and problems that have been encountered up to this point. Because Albania's tourism industry is still expanding, there is a significant demand for individuals who are proficient in the use of technology in service-oriented employment. Clearly, this demonstrates how important this location is. The fact that difficulties continually crop up makes it difficult to get things done efficiently. It is necessary to address several issues, including the lack of sufficient funds for technological advancements, the utilization of outdated instructional materials, the failure of businesses to participate, and the lack of preparedness on the part of educators. This post will discuss a variety of approaches that can be utilized to improve the curriculum, increase the number of businesses that are involved, and simplify the process by which individuals can acquire knowledge regarding technology. In this section, we will examine methods and examples that have been successful in the past.
To make significant advancements, the research suggests that teachers should be able to modify their teaching methods, be open to acquiring new knowledge, and maintain close relationships with those who work in other fields. The most important takeaway from the research is that students attending vocational institutions in Albania ought to be educated on artificial intelligence and smart tourism. As a result, the sector would have more room to produce goods. If this occurred, businesses would have an even greater desire for the students.

Keywords: Artificial Intelligence, Smart Tourism, Vocational Education, Digital Skills, Employability.

Introduction

The makeup of the world's workforce is changing in a big way and for the first time ever because of the fast growth of digital technology and the creation of new industries. Smart tourism and other uses of artificial intelligence (AI) have changed the game in the last several years. This has changed not only how businesses work, but also the talents that many industries need. Because of this, vocational education and training (VET) systems need to update and stay relevant more than ever because of the changes that have happened in both the field and the technology. Improving operational efficiency, automating customer service, using personalised marketing

techniques, and using predictive analytics are just a few of the many tasks that come under this area. More and more sub-industries in the tourism business are starting to use artificial intelligence (AI) technologies. Smart tourism includes using data to make decisions, having smart infrastructure, and having digital platforms that are connected to each other. To keep up with and even go beyond this trend, the tourism sector will need people who are very good with technology and can work in complicated settings that depend on it. Vocational schools and training centers are facing both challenges and chances because of the way things are now. You must remember this piece of information. Due to the rapid changes occurring in this business, traditional curricula may soon be inadequate in preparing students for jobs in the digital economy. But it is also important that training programs include a lot of lessons on artificial intelligence (AI) and skills relevant to smart tourism. This is because these are the most crucial parts of smart tourism. In order to reach this goal, it is very important to have a well-planned and carefully thought-out curriculum. Also, it is very important for teachers to have access to ongoing professional development, to work with businesses, and to focus on learning digital skills and information that will be useful for the rest of their careers. These are all things that teachers should accomplish. The goal of this paper is to look into the several ways that vocational education and training (VET) programs teach skills that are related to smart tourism and artificial intelligence. It examines the potential for future advancements in instructional tactics, identifies the primary challenges, and analyses the latest trends that have emerged in the field. Government authorities, schools, and training groups should follow the suggestions that come out of this study. The purpose of this text is to put these suggestions into action. To make these suggestions, we will first look at certain case studies and methods that are quite good in their fields. The goal of this activity is to build economies that are dynamic and driven by innovation, as well as to get its graduates ready for the challenges they will face in the future.

Literature Review

Because of digitalization, automation, and artificial intelligence changing the job market, vocational education and training (VET) needs to change to fit the new needs. Several recent discussions have focused on the idea that vocational education and training (VET) has not been able to keep up with the fast changes in technology that are happening in many different fields. This is because vocational education and training (VET) has never been focused on teaching people general work skills. Smart tourism is more than just using a lot of different technologies. It is a bigger system in which destinations, businesses, tourists, and government agencies all interact with each other through connected digital infrastructures (Gretzel et al., 2015). Smart tourism is a complicated idea that includes more than just using different technology. In today's workplace, employees are expected to be able to use digital tools, evaluate data, and communicate through technology in addition to their traditional service skills. This is a need that is becoming more common. This specific need has been developing in recent years.

Digital, AI, and Smart Tourism Competencies

The European Commission developed DigComp, a framework for digital competence. These kinds of frameworks are generally used by people. DigComp points out several key problems that need to be fixed. As Voorikari and his team showed, the use of a specific method can significantly improve the results of a task (2022) have said, these frameworks show several important problems, as well as a lot of other problems at the same time. These frameworks are very useful for creating educational programs since they give a logical way to learn digital skills. Also, because of this, these frameworks are quite important and should not be underestimated. You should think about this topic a lot because it is something that must be thought about.

On the other hand, the general models of digital competence don't consider the specific working conditions that are appropriate in the tourism industry. AI literacy frameworks, which are becoming more common due to the rise of artificial intelligence, offer a way to improve professional development for educators. Long and Magerko (2020) define "AI literacy" as the combination of skills and knowledge needed to work with artificial intelligence. Moreover, the United Nations Educational, Scientific, and Cultural Organization (UNESCO) (2021) supports a teaching approach that prioritizes human needs in the context of artificial intelligence.

Based on recent studies on tourism, suggestions are that "smart tourism competence" requires a wide range of skills. For example, digital operational competence involves being skilled in using different platforms, applications, booking systems, digital payment methods, customer relationship management tools, and mobile interfaces. This paper and the last year's studies show that technological skill, and the ability to use applications effectively on mobile devices is also very important.

Moreover, a firm understanding of data allows you to break down customer feedback, make sense of online reviews, analyze analytics dashboards, and monitor changes in demand.

A person's ability is often shown by how well they can handle information. The successful integration of artificial intelligence requires the thoughtful and efficient deployment of these systems across diverse technological domains, where the range of applications, includes: chatbots, automated decision-making tools, recommendation systems, and content generation platforms.

Curriculum Transformation in VET

It's extremely evident that just employing digital content in vocational education and training (VET) programs isn't enough to get students ready for the occupations of the future. We need to change the way we think if we want to change how we engage with subject matter experts, develop lessons, instruct students, and assign grades. If you want to know if competency-based vocational education and training works, see how well the students can use what they learned in the course in real life. We need to figure out how to help our kids use what they've learned in school about AI and smart tourism to prepare ready for the difficulties they'll face in the real world.

Using stackable learning modules, this company might be able to train people for careers in the tourism industry. Smart destination systems, how to use technology in a way that is socially acceptable, how to protect your online reputation, and how to use AI to improve customer service are just a few of the many topics that may be covered at seminars like this one. These are only a few of the many things that may be talked about. Schools that use this form of modularity might be able to change more easily and give students more chances to learn about a variety of topics.

Teachers believe that students learn a lot when they do things in the actual world. There are several opportunities for students to obtain real-world experience working with small and medium-sized businesses (SMEs), such as through research projects, internships, digital laboratories, case studies, and work-integrated learning.

Methodology Outline

This paper will look at how smart tourism skills and artificial intelligence (AI) could make vocational education and training (VET) initiatives better in the future. The goal of this study is to look into what these technologies might mean for the future. The research focuses on an emerging area where standards in the curriculum, business practices, and classroom responses are currently evolving, necessitating a qualitative approach. The research is being undertaken in a classroom setting. Kreswell and Poth (2018) and Merriam and Tisdell (2016) say that qualitative research is better than statistical measurement of variables when it comes to finding out what things mean, how people see them, what they have been through, and the context. This is because qualitative research lets us look at these things in more detail. The research technique employed for this study was meticulously designed to capture the perspectives of stakeholders concerning the essential skill sets required for intelligent and AI-driven tourism. According to Creswell and Poth (2018), this study employs a qualitative exploratory research methodology. This technique is great for situations that haven't been explored much, are still new in terms of ideas, or don't have solid answers right now. There hasn't been a lot of research on how to mix vocational education and training (VET), artificial intelligence (AI), and smart tourism capabilities. This is especially true when it comes to modifying the curriculum and figuring out how to teach people by doing things.

There are many things than just new technologies that are changing career chances in the tourism business. It also depends on how teachers, people who work in the field, and government organizations understand and deal with these developments. Qualitative research approaches offer a substantial framework for scholars to thoroughly investigate diverse views (Denzin & Lincoln, 2018). This study uses an interpretivist research method. Interpretivism says that social reality is made up of how people interact with each other, how they make meaning, and their experiences in a certain situation (Schwandt, 2014). This study takes an interpretivist method because it wants to find out how participants define critical skills, what the problems are with the current curriculum, and what the problems are with adding artificial intelligence and smart tourism subjects in vocational training. The main goals of the project are digital transformation and service environments that are made possible by

AI. This investigation is framed within the realm of scholarly research concentrating on vocational education and training in the tourism and hospitality sector. Buhalis and Amaranggana (2015) and Gretzel et al. (2015) say that digital platforms, mobile systems, data analytics, service automation, and smart destination infrastructures are all becoming more important in the tourism business. All of these technologies are having a big effect.

This research following questions:

1. What AI-related competencies are increasingly required in tourism and hospitality workplaces?
2. What smart tourism competencies should be integrated into VET curricula?
3. What gaps currently exist in tourism-related VET programs regarding AI and smart tourism preparedness?
4. What challenges do educators, institutions, and industry stakeholders face in integrating these competencies into VET?
5. What strategies can be proposed to future-proof VET for AI-enabled and smart tourism environments?

Population of the Study, Sampling Technique and Sample Size

The goal of this study is to find out more about the people who help businesses move to digital platforms, teach employees, show tourists around, and give people chances to improve their abilities. People who work in the following fields: educators, legislators, employers in the hospitality and tourism industries, training managers, experts in artificial intelligence (AI), emerging technologies (ET), and smart tourism; academic coordinators, trainers, and professionals in vocational education and training (VET) and the tourism sector; and people who work in the tourism industry. The study used purposive sampling, a method that is often lauded in qualitative research (Patton, 2015), to select people who had a lot of information and relevant skill or knowledge. The people who took part in this study not only had direct knowledge in areas like running digital transformation initiatives, training programs for the tourism industry, and workforce development, but they also had direct experience in these areas.

Everyone agrees that a sample size of 15 to 25 people is enough. The first portion of this research project will involve semi-structured interviews with a variety of stakeholder groups. It is expected that this will provide a large enough sample size. For training managers or professionals in the tourism business, five to seven people would be a good number. They would be made up of six to eight people who are either vocational education teachers or curriculum coordinators. Two or four more panellists may be members of the legislature or school officials. There may also be two or four more panellists who are experts in smart tourism, artificial intelligence (AI), or educational technology (ET).

Document Analysis

Bowen (2009) says that document analysis is a rigid procedure that entails reading

and judging texts to establish meaning, gain comprehension, and find three pieces of evidence. The purpose of this study is to look at the national policy on AI, digital skills, and education. These studies will use the results of this one. We will also look at industry information that shows what skills are likely to be needed in the tourism industry, as well as courses in tourism and hospitality and vocational education and training (VET) programs. We will also look at further materials that are related to the subject.

It's vital to look at documentation since official policies and institutional texts also say what the goals are for training and curriculum development. Stakeholder opinions aren't the only things that matter. That's why document analysis is getting more and more crucial. These materials (Bowen, 2009) can assist you learn how smart tourism, data competency, digital literacy, and AI are being introduced to training programs.

Data Collection Procedure

There will be numerous steps to collecting the data. First, the researcher will find the institutions, tourist-related firms, and policy-making groups that are involved in vocational education and training (VET) and the growth of the tourism workforce. These invites will explain the study's goals, the fact that participation is voluntary, and how long people are expected to be involved. We will set up interviews at times that work for both of us. With the participants' permission, audio recordings of the interviews will be made so that they can be accurately transcribed and analysed afterward. In addition, field notes will be taken during or just after the interviews to record observations and first impressions about the situation. This is an approach that is deemed to be good for qualitative research (Merriam & Tisdell, 2016). After this, each interview will be written down word for word. The following data will be organised in a way that makes it easier to code and analyse themes.

Data Analysis Technique

Qualitative data will undergo thematic analysis. Braun and Clarke (2006) say that this method is flexible and often used to find, analyse, and report patterns in qualitative data.

The analysis will move via these steps:

- To start, the researcher will study the interview transcripts and other papers over and over again to get to know the data.
- Second, the first codes will be made to designate important ideas, concepts, and problems that are related to the study questions.

After this, the codes will be put into larger groups. After then, these groups will be looked over again and improved to find the primary ideas. Finally, these themes will be examined in relation to the current literature and the study's aims. This study is ideally suited for thematic analysis since it allows for both descriptive and interpretive analysis and may be used with data from many various sources (Braun & Clarke, 2006).

Table 1. Participant Demographics

Stakeholder Category	Number of Participants	% of Total	Gender (M/F/ Other)	Years of Experience (Mean ± SD)
VET Instructors/ Curriculum Dev.	7	32%	33M/4F	9.7 ± 3.2
Tourism Industry Professionals	6	27%	44M/2F	11.4 ± 4.1
Policymakers/ Admins	3	14%	22M/1F	13.0 ± 2.5
AI/EdTech/Smart Tourism Experts	4	18%	33M/1F	7.9 ± 2.3
Total	20	100%	112M/8F	-

Table 2. Document Analysis Summary

Document Type	Source	Mentions AI Competencies	Mentions Smart Tourism	Provides Digital Skills Framework	Year
VET Curriculum Framework	National VET	Yes	No	Yes	2022
Tourism Program Outline	College A	Partial	Yes	No	2021
National Ed Policy	Govt. Report	Yes	Yes	Yes	2023
Industry Skills Report	Industry Org.	Yes	Yes	Partial	2023
AI Policy Document	Ministry	Yes	No	Yes	2022

Conclusion

Vocational education and training (VET) programs need to teach Albania's tourist workers about smart tourism and AI if they wish to be ready for the future. It is becoming harder for vocational education and training (VET) schools in Albania to stay effective as the country's tourism industry uses more and more new technologies. The goal is to provide students the broad and deep knowledge, as well as the

computer and digital abilities, they need to do well in today's economy, which is all about coming up with new ideas. This goal is rather clear.

This study has led to the discovery of several significant new entities. It looks like the hotel and tourism business is looking for professionals who know how to use AI and smart tourism. You need to be able to read and understand facts, think critically, and be aware of ethics to have these skills. You can also adjust how you give customer service with this. You also need to know how to use digital technologies and AI. These abilities are very vital, but the vocational education and training programs that are available presently have a lot of issues. Some of these issues are that the material is out of date, the teachers don't have the required abilities, the digital infrastructure isn't always reliable, and there isn't adequate communication with critical groups.

The paper not only talks about these problems, but it also presents a number of ideas for how to remedy them. Reform must encompass multiple domains, educators must engage in continuous learning, and the curriculum must be adaptable to emerging technologies to function effectively. Students who are in vocational education and training programs are better equipped for service occupations that are changing swiftly because of AI and digital media. You can achieve this through project-based learning, simulations, and work-integrated learning.

Smart tourism and AI could be good for the Albanian economy, the vocational education and training (VET) sector, and the job prospects of VET program graduates. For us to attain our goals, it is important that lawmakers, business leaders, and teachers all show passion for the cause and be open to trying new things in the classroom and when working together. This is a must-have tool that will help us reach our goal. Updating Albania's VET programs might be able to suit the specific training needs of the tourism industry. As a result, more people would be able to get jobs, and Albania would be better able to employ digital technologies.

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Criminal liability of legal entities: Procedural aspects and jurisprudential developments

Dr. Elton Musa
"Aleksander Moisiu" University of Durres, Durres, Albania

Abstract

The purpose of this paper is to provide a theoretical and practical analysis of the legal framework governing the criminal liability of legal persons in Albania, a field which, due to its specific nature, continues to present difficulties in its implementation in the Republic of Albania. This paper aims to highlight possible solutions to these problems by comparing domestic jurisprudence with international jurisprudence, as well as to propose certain solutions concerning the procedural aspects of the law on the criminal liability of legal persons in the Republic of Albania. Economic development is closely connected with the activity of commercial companies which, from an economic perspective, constitute the core of a country's economy. However, as the number of commercial companies has increased, so too has their criminal or unlawful activity. Legal persons, and particularly commercial companies, represent the most institutionalized and structured form of collective action among several persons. nIn order to provide as broad a perspective as possible, certain models have been reviewed and the analysis is based on existing literature, leading in many cases to conclusions that differ from those traditionally reflected in the consulted literature. Legal persons also represent the most institutionalized form of collective action by several persons, thereby creating a separate institution. It is therefore necessary, as a preliminary matter, to define the concept of the legal person in connection with their criminal liability. Furthermore, this paper presents the manner in which a legal person is created, the meaning of criminal liability for legal persons, and the types of punitive measures that may be imposed against them. A comparative methodology has been used with reference to the relevant legislation on the criminal liability of legal persons, as well as to the differences between such legislation and the Albanian legal framework.

Keywords: Criminal Liability, Legal Persons, Commercial Companies, Economic Development, Legislation.

1. Introduction

In an increasingly industrialized society, legal persons constitute one of the main engines of economic development, playing a decisive role in many aspects of social and economic life. The activity of commercial companies is closely linked to a country's economic development, making these entities an essential part of the economic system. However, as the number of commercial companies increases, so does the potential for unlawful or criminal activity, which makes the existence of a legal framework on the criminal liability of legal persons indispensable. Legal persons represent the most institutionalized form of collective activity, enabling individuals to act in a coordinated manner for the achievement of economic and social objectives. In this context, it is necessary to determine the legal mechanisms that can address the unlawful activity of these persons, ensuring that criminal liability does not remain incomplete while maintaining the balance between economic development and the rule of law.

The purpose of this article is to provide an analysis of the criminal liability of legal persons within the framework of Albanian legislation, by examining the interpretation of Law no. 9754, dated 14.06.2007 (as amended), and by comparing it with the systems of Italy and Kosovo. This paper focuses on the legal meaning of the legal person, the conditions and criteria for imposing criminal liability, as well as the punitive measures that may be applied. The analysis aims to identify legal gaps, judicial practices and interpretative challenges, offering a clear assessment of the impact of criminal liability on the functioning of legal entities and on their role in society.

2. What is meant by the legal regime of legal persons?

Legal persons represent the most institutionalized form of cooperation among several individuals, creating a separate entity that is legally recognized.[1] In order to understand their role and responsibilities, it is first necessary to define what is meant by a "legal person". This concept is mainly addressed by civil law and the Civil Code, which explain the fundamental aspects that transform a group of individuals into a subject of law, both in the civil and criminal sense.[2] According to the Albanian Civil Code, legal persons may be of a private or public category. Public legal persons include state institutions and enterprises, whether financed from the state budget or financially independent, as well as other entities recognized by law. Private legal persons include commercial companies, associations, foundations and other private organizations, which are regulated by Law no. 9901, dated 14.04.2008, on entrepreneurs and commercial companies.[3] Under this law, commercial companies are established by two or more individuals who agree to pursue common economic objectives. Through this process, the group of individuals acquires rights and obligations similar to those of natural persons. An essential element is the registration of the legal person with the National Business Center (NBC), which grants the entity legal personality. The acquisition of this personality brings a number of specific characteristics, turning the legal person into a subject of law capable of holding rights and obligations in both civil and criminal matters. Registration with the NBC requires the submission of several mandatory data, including the name, legal form, date of establishment, identity of the founders, registered seat, object of activity, duration (if determined), data on the administrators and representatives of the company, as well as their signature specimens. These data ensure the accurate identification of the legal person and constitute the basis for reference and further legal liability. According to Article 29 of the Civil Code[4], a legal person acquires capacity to act immediately upon its creation or, in the case of private legal persons, upon registration with the NRC. This provision implies two key moments for the commencement of liability: for public legal persons, liability arises from the moment of creation, whereas for private legal persons, liability is linked to the moment of registration and acquisition of legal personality. A broad interpretation of these provisions shows that the assets of the legal person are evidenced at the time of registration, providing a clear basis for imposing

[1] Civil Law General Law J.Latifi Tirana 2007 p. 108.
[2] Civil Code of the Republic of Albania, article 24.
[3] Law on the National Commercial Court No. 9723 dated 3.5.2007, article 32.
[4] Civil Code of the Republic of Albania, article 29.

liability. The NRC law provides for the declaration of capital or initial contributions upon the establishment of the company, thereby determining the initial assets of the legal person. On the other hand, for unregistered legal persons, the determination of assets is more difficult, which directly affects the practical application of criminal and civil liability.

2.1. *Characteristics of the legal person*

In order to be considered a subject of law, a group of individuals must possess certain clear characteristics deriving both from the provisions of the Civil Code and from civil law doctrine. These characteristics determine the status of the legal person in civil legal relations and constitute the basis for its recognition as a distinct legal entity.[5]

- ***Organizational unity***

One of the fundamental elements that defines a legal person is the existence of a clear organizational structure. A legal person acts as a single whole, directed by its bodies as determined by law, by the act of establishment or by the statute. In this context, the actions of its bodies are considered actions of the legal person and express its will. Although the legal person is a collective formation, the individuals composing it cannot act individually in legal relations; every legal act is carried out through the designated bodies. The body may be an individual or a collegial body, and it is responsible for achieving the objectives set for the legal person.[6]

- ***Patrimonial independence***

A legal person owns separate property, including movable and immovable assets, which serve for the exercise of its rights and the fulfillment of its obligations. This property is separate from the property of its members, enabling the legal person to act independently in economic and legal terms. The patrimonial independence of the legal person is connected with its financial liability: it is liable for damage caused by its bodies during the exercise of their assigned powers (intra vires), within the limits of its assets. In the case of actions beyond the scope of authority (ultra vires), liability falls on the individuals who performed the act. [7]This separation of assets and liability ensures clarity in civil relations and guarantees that the obligations of the legal person are distinct from the obligations of its members.

- ***Name of the legal person***

The name is another essential element for recognizing the legal person as a legal subject. It is used to identify the legal person in legal relations and must be registered and distinguishable. In the case of commercial companies, the name also reflects the purpose of their economic activity. The name is not merely a form of identification, but also a means of ensuring legal responsibility and protecting the interests of third parties in their relations with the legal person.[8]

By combining these characteristics - organizational unity, patrimonial independence and name - the legal person may be defined as a subject of civil law organized institutionally, acting for defined purposes, possessing separate property and exercising

[5] Civil Code of the Republic of Albania Article 32
[6] Civil Law General Pj J.Latifi Tirana 2007 p. 107.
[7] Civil Code of the Republic of Albania Article 31.
[8] Law on Merchants and Commercial Companies, No. 9901 dated 14.04.2008 article 134.

its own rights and obligations in its own name. This organized structure allows the common interest of individuals to be concretized and legally protected, making the legal person a distinct and responsible unit within the legal system.[9]

3. Criminal liability of the legal person

3.1 Different perceptions and approaches regarding the imposition of criminal liability on the legal person:

In an increasingly industrialized society, legal persons constitute a key element of economic and social functioning. Their role in economic development has created the need to impose criminal liability on these subjects for unlawful acts committed during the exercise of their activity.[10] Historically, until the beginning of the 1970s, the criminal liability of legal persons was inconceivable, based on the principle "societas delinquere non potest", according to which companies cannot commit criminal offences because they are merely a legal fiction without a personal will of their own. Supporters of this theory argued that guilt requires capacity for culpability, intent or negligence, elements that cannot be established for a legal person because it does not act personally. On the other hand, the arguments in favor of imposing criminal liability are based on the idea that, upon acquiring legal personality, the legal person expresses an independent will in legal relations and may act in its own name. According to this approach, legal persons should bear criminal liability for the actions of their bodies and representatives, ensuring that criminal conduct is punishable and that the impunity of collective entities is avoided.

3.2 Criminal liability of legal persons under the Criminal Code

The main feature of criminal law is the protection of social values and important legal relations by providing sanctions for those who commit criminal offences. In the Criminal Code, the criminal liability of legal persons was first provided for in 1995, with subsequent amendments, including Law no. 8733 of 2001 and Law no. 9754 of 2007. According to Article 45 of the Criminal Code, legal persons, except for state institutions, are criminally liable for criminal offences committed in their name or for their benefit by their bodies or representatives. Local government units are criminally liable only for actions committed during the exercise of their activity or during the performance of delegated duties. This provision does not exclude the liability of natural persons who committed or assisted in the commission of the same criminal offences. Before the adoption of Law no. 9754, the provision of Article 45[11] of the Criminal Code was difficult to apply in practice, because it did not provide concrete sanctions and its application required analogical reasoning, which could create dangerous precedents. Law no. 9754 resolved this problem by clearly defining the rules on criminal liability, proceedings and punitive measures against legal persons.

[9] Commentary on the Criminal Code of the Republic of Albania I.Elezi, S.Kacupi, M.Haxhia Tirana 2009 p. 12.
[10] Criminal Liability of Legal Entities" E.Bozheku Tirana 2012 p. 36.
[11] Criminal Code of the Republic of Albania Article 45.

3.3. Subjects to whom the law on the criminal liability of legal persons applies

Law no. 9754 applies t[12]o all legal persons that are not state institutions and that have acquired legal personality pursuant to the Civil Code. This law covers criminal acts committed by their bodies and representatives in the name or for the benefit of the legal person.

The provisions of the law also apply to foreign legal persons that have acquired legal personality in accordance with Albanian legislation. The law clearly determines the personal criminal liability of the subjects and the principles for the investigation and punishment of criminal offences committed by the legal person, including the cooperation or assistance of natural persons in committing these offences.

4. **Evolution of the system of punitive measures against legal persons**

4.1 Historical development of punishments

Punishments are an ancient form of sanction that has evolved together with society. Historically, they have developed from enslavement punishments in ancient societies, to monetary and corporal punishments in the Middle Ages, and then to prisons and correctional institutions in the nineteenth century. Today, softer forms are used, such as imprisonment, fines and alternative measures. This evolution shows the tendency to soften and regulate punitive measures according to the needs of society.[13]

4.2 Meaning and purpose of criminal punishment

Criminal punishment is a legal instrument for punishing and preventing criminal offences. Its main characteristics are:

- *Legality: It applies only to offences provided for by law.*
- *Culpability: It applies only to the guilty person.*
- *Individual character: Punishment affects only the perpetrator of the offence, even when legal persons are involved.*
- *Exclusivity of the court: Only the court has competence to impose punishment.*
- *Punitive character: Punishment aims to sanction and to change the behavior of the convicted person.*

The main purpose of punishment is to sanction the offender, prevent new offences and educate citizens to respect the law.

4.3 Punitive measures for legal persons

Law no. 9754/2007 defines the punitive measures against legal persons in two categories:

Principal punishments:

- *Fine*
- *Termination of the legal person*

Supplementary punishments (applied together with the principal punishment):

- *Closure of the activities of the legal person*
- *Controlled administration*
- *Prohibition from public procurement procedures*

[12] Law no. 9754 dated 14.06.2007 on the criminal liability of legal persons article 1.

[13] Stabilisation and Association Agreement between the EU and Albania June 2006 preamble p. 3.

- *Revocation of licenses, concessions and subsidies*
- *Prohibition from public solicitation of funds*
- *Publication of the court decision*

The principal/supplementary classification makes the application of the law clearer and fairer, taking into account the economic and legal nature of legal persons, and ensures the effective punishment of criminal offences.

5. Comparative perspective on the criminal liability of legal persons in Italy and Kosovo

5.1 The Italian system

Before 2000, Italian criminal law did not recognize the criminal liability of legal persons, relying on the principle "Societas delinquere non potest" - legal persons cannot commit criminal offences. The Italian Constitution (Article 27) guarantees personal criminal liability.

In 2001, Law no. 231/2001 introduced the administrative liability of legal persons for criminal offences committed by the administrator, director or representatives in the interest of the company. Proceedings for these violations are of a criminal nature, applying all the rules of criminal procedure. The law does not apply to the state, non-economic public entities, political parties and trade unions, in order to protect constitutional rights.[14] Liability arises when criminal offences bring a subjective interest or an objective advantage to the legal person. The legal person may be found not liable if it proves that it has implemented effective organizational models for the prevention of criminal offences, with independent supervision, and that there were no hidden violations. Punishments are divided into principal and supplementary measures, while the law values the independence of the liability of the legal person from that of the natural person.[15] This system is more advanced in Italy compared with Kosovo, because it provides for organizational models, follows the principle of legality and guarantees the autonomy of legal liability.

5.2 The Kosovo system

The law on the criminal liability of legal persons in Kosovo entered into force in 2013, as part of the approximation with European Union standards. It applies to criminal offences committed by legal persons inside and outside the territory of Kosovo, excluding public entities, where liability is borne only by the natural person.[16] Kosovo law recognizes the independence of the liability of the legal person from that of the natural person, although some provisions create contradictions by linking the liability of the legal person with the actions of the natural person. It does not provide for organizational models as in Italy, which could be effective means for avoiding liability. The law also regulates liability for attempted criminal offences, bankruptcy of

[14] http://www.diritto.it/docs/34968-la-responsabilit-degli-enti-dlgs-231-2001-fondamento-giuridico-e-problematiche-generali.

[15] Decreto legislativo 8 giugno 2011 n.231 Non si applicano allo Stato, agli enti pubblici territoriali, agli altri enti pubblici non economici nonché agli enti che svolgono funzioni di rilievo costituzionale art 3.

[16] Principio di legalità L'ente non può essere ritenuto responsabile per un fatto costituente reato se la sua responsabilità amministrativa in relazione a quel reato e le relative sanzioni non sono espressamente previste da una legge entrata in vigore prima della commissione del fatto

companies, and criminal proceedings against legal persons.
In conclusion, Kosovo law is new and modern, integrating important principles such as the scope of application and the independence of liability, but there remains room for improvement, especially in the creation of preventive organizational models.

6. **Conclusion**

The criminal liability of legal persons in Albania was implemented very late, due to the legacy of the communist system and the absence of a substantive law for a long period of time. This has created problems in the justice system and has made it difficult to impose criminal liability on legal persons.

- The 2007 law constitutes an achievement in the fight against criminal offences committed by legal persons, but it has presented problems in clearly defining the scope of application and the subjects to whom it applies, creating opportunities for different interpretations and abuses in practice.
- With regard to the provisions on liability, the legislator has provided a mechanism for imposing criminal liability only when the specified conditions are met, thereby avoiding abusive impositions of liability. This approach is practical and acceptable for the Albanian reality.
- The law has shortcomings with regard to punitive measures, since the maximum punishment is linked to offences punishable by more than 25 years of imprisonment, which is difficult to achieve in practice. There are also uncertainties in the distinction between crimes and criminal contraventions.
- In order to reduce the commission of criminal offences by legal persons, the law should provide for mandatory organizational models or codes of ethics, as in Italian and American legislation, offering the possibility of exemption from liability when these models prove effective.
- The comparison with Italian legislation shows that Italian law has an administrative and more detailed character, respecting the principle of legality and the separation of criminal liability between the legal person and the natural person. Albanian law has a markedly criminal character and does not provide for preventive organizational models.
- Kosovo's law on the criminal liability of legal persons is modern and moderate, approximating the practices of developed countries. It clearly provides for the scope of application, includes criminal offences committed inside and outside the country, and guarantees the independence of the liability of the legal person from that of the natural person - a provision that is still missing in Albanian law.

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